

**COMPLAINANTS**

RCW 42.41.030(7) Right to report info and Patricia E. Monson,
Citizens of Clallam County, Washington

) **COMPLAINT**
) To: Washington State Board of Health
) **AGAINST**
) Dr. Alison Berry, Clallam County
) Health Officer
)

COMPLAINT

On September 2nd 2021, the Clallam County Public Health Officer issued a Public Health Order (hereinafter referred to as the "Vaccine Mandate Order" (annexed hereto as Exhibit A)) restricting the entry of all people (except children under the age of 12) to restaurants and bars located in Clallam County unless that person provided "proof that they are fully vaccinated against COVID-19". The Vaccine Mandate Order (Exhibit A at page 3) purports to have been issued by the Public Health Officer under the authority of RCW 70.05.070. The Public Health Officer, however, violated RCW 70.05.070, by issuing the Vaccine Mandate Order without receiving direction of the Clallam County Board of Health.

RCW 70.05.070 specifies that "the local health officer, acting under the direction of the local board of health. . . shall" take certain action necessary to maintain health and sanitation supervision and control and prevent the spread of any infectious diseases that may occur within the County. The reason the board of health must direct the public health officer is that the board of health is the legal governing body responsible for the public's health in its jurisdiction. The public health officer works under the direction of the board of health. Not the other way around.

Specifically, both the RCW and Clallam County Code provide that it is the Clallam County Board of Health that has the legal authority over all matters pertaining to the preservation of the life and health of the people of Clallam County. RCW 70.05.070 acknowledges that it is the local Board of Health who must direct the local public health officer to take action pertaining to protecting the public health of the County. Under Clallam County Code Section 41.01.050: "No actions shall be taken by the board of health unless a majority of members are present, including at least 2 Clallam County commissioners. The board of health shall keep a public record of its transactions, findings, and decisions." Under Clallam County Code Section

41.01.045, “[a]ll meetings of the Board of Health shall be established and conducted pursuant to the Open Public Meetings Act, codified at Chapter 42.30 RCW et seq., as now or hereafter amended.” See also RCW42.30.060 (“No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter.”)

No such direction by the Clallam County Board of Health to the Public Health Officer occurred with respect to the issuance of the Vaccine Mandate Order. That is, the Clallam County Board of Health did not direct the Public Health Officer to issue the Vaccine Mandate Order. No public meeting of the Board of Health was noticed regarding any proposed Vaccine Mandate Order. There is no public record of any findings, deliberations, discussions, decisions, order or direction by the Clallam County Board of Health pertaining to the issuance by the Public Health Officer of the Vaccine Mandate Order. This is a violation of both Clallam County and Washington State law and the Vaccine Mandate Order was void at its inception.

The Public Health Officer acted without legal authority to “legislate” a vaccine mandate that applies to all citizens of Clallam County and all non-citizens of Clallam County who may be a tourist or present in the County on the basis of commercial or personal business. No citizen of Clallam County received the due process to which they are entitled under the Open Public Meetings Act. The Clallam County Board of Health may only act to direct the Public Health Officer by having a properly noticed Board of Health meeting subject to the Open Public Meetings Act. Since no such meeting occurred, the Public Health Officer enacted the Vaccine Mandate Order in a manner that exceeded her authority under the law.

The Public Health Officer Violated RCW 70.05.070 By Issuing A Vaccine Mandate Order Without Obtaining Direction By the Clallam County Board of Health

Under Washington State and Clallam County law, it is Clallam County’s Board of Health - not the County Public Health Officer - that has the responsibility over **all** matters pertaining to the preservation of the life and health of the people of Clallam County. Under RCW 70.05.060 entitled Powers and duties of local board of health, “[e]ach local board of health shall have supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction and shall:

- (1) Enforce through the local health officer or the administrative officer appointed under RCW 70.05.040, if any, the public health statutes of the state and rules promulgated by the state board of health and the secretary of health;
- (2) Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction;
- (3) Enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof;
- (4) Provide for the control and prevention of any dangerous, contagious or infectious disease within the jurisdiction of the local health department;
- (5) Provide for the prevention, control and abatement of nuisances detrimental to the public health;
- (6) Make such reports to the state board of health through the local health officer or the administrative officer as the state board of health may require; and
- (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.”

Clallam County Code Section 41.01.060, entitled Duties and Responsibilities, states in pertinent part: “The Board of Health shall have the responsibility over all matters pertaining to the preservation of the life and health of the people of Clallam County and shall, in addition to those duties set forth in RCW 70.05.060, as now or hereafter amended.”

The Clallam County Public Health Officer must act under the “direction” of the Clallam County Board of Health with regard to taking any action as necessary to maintain health and sanitation supervision over the county and controlling and preventing the spread of any dangerous, contagious or infectious diseases that may occur within the jurisdiction. RCW 70.05.070 (“The local health officer, acting under the direction of the local board of health . . . shall . . . (2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction; (3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction”).

A local public health officer does not have the authority to rewrite a state enacted statute. A local public health officer does not have the authority to usurp the supervisory power of the local board of health. A local public health officer does not and should never have unfettered power to pass a mandate order effecting the County’s citizens without the citizens being provided the due process open public meeting by its Board of Health that Washington State and the Clallam County Code requires. If the public health officer for the County does not follow State or Clallam County law why should any of the citizens of the County follow any such laws?

At least three important concepts must be understood here. First, a Clallam County public meeting of the local Board of Health was noticed and held on August 17th, 2021 (annexed hereto as Exhibit B (Board Packet)). That meeting did not have an agenda item relating to any “emergency” proposed vaccine mandate. If such an “emergency” was occurring, the Public Health Officer would have had a duty to raise this “emergency” with the Clallam County Board of Health in order to seek direction as to what should be done to address the “emergency.” Instead, the August 17, 2021 Board of Health meeting discussed in great detail an ordinance amendment seeking to surcharge Clallam County residents for their septic systems. Any position by the Public Health Officer that an “emergency” caused her to violate State law because there was no time to have the County Board of Health convene and make public findings and provide direction to the public health officer is belied by what actually in fact was discussed at the August 17, 2021 Board of Health meeting : septic surcharges. Of course, an emergency meeting of the Board of Health could have been called if there was an emergency to have a vaccine mandate in this County. No such emergency meeting of the Clallam County Board of Health was ever called regarding the Public Health Officer’s Vaccine Mandate Order.

Second, any after-the-violation argument that the Clallam County Board of Health would have merely rubber-stamped the vaccine mandate does not hold any weight. The citizens of Clallam County were entitled under the law to an open public meeting in which not only Dr. Berry’s views would be heard but the views of other medical professionals, the County’s legal staff, the County Sheriff, the Board of Health members themselves and the public at large (including business owners of bars and restaurants). Any proposed vaccine mandate order would have been vetted to discuss, among other things, (1) was such a vaccine mandate necessary, or could other less restrictive means be used to address the issue? (2) does the proposed Order violate Washington State Constitutional Article 1 section 7 which provides “no person shall be disturbed in his private affairs, or his home invaded, without authority of law”? (3) does the proposed Order violate other state and federal constitutional rights held by the citizens of Clallam County? (4) is this the right approach for a small mostly rural community? (5) does putting vaccinated people in a restaurant with unvaccinated children under the age of 12 make any scientific sense when the current available science informs us that vaccinated individuals and unvaccinated children can transmit the COVID-19 respiratory virus? (6) is it appropriate to make business owners legally responsible to act as law enforcement in

determining whether to exclude someone from their business premises (how do they know whether a vaccine card is “real” or whether a child is under the age of 12 years old?); (7) what scientific research/study have been performed and peer reviewed that have concluded that this manner of vaccine mandate is an effective way to “control” virus transmission in the County? (8) does the vaccine mandate’s potential negative economic impact on the community outweigh the potential public safety benefits the restrictions sought to create? (9) what precedent is being sent for any future influenza occurrences in the County, i.e., will the Board of Health employ a vaccine mandate for the flu season next year, the year after and every year thereafter in Clallam County? (10) what is the actual data that has prompted the public health officer to seek the Board of Health’s “direction” on such a mandate? (how many individuals in Clallam County who entered a bar or restaurant in August, 2021 had to be hospitalized for Covid-19 and have there been any COVID-19 identified deaths attributed to someone dining in a restaurant or entering a bar in August of this year? (11) Does this sort of a vaccine mandate solve the County’s very real problem of having understaffed medical professionals at the hospitals located in the County, and if not, should the Public Health Officer focus her efforts on solving the overriding public health issue of staff shortages to better serve the health of the community?

The citizens of Clallam County are entitled under the law to accountability and transparency by its government. They are entitled to have faith that their government will act properly under the law. The Open Public Meetings Act is the cornerstone of providing citizens the ability to understand what its government is doing and why it is doing it. RCW 42.30.060 recognizes how important this right to accountability and transparency is by declaring that :”No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be null and void, and shall be considered an “action” under this chapter.”

Third, the Clallam County Public Health Officer was fully aware that it is the Clallam County Board of Health that has the power to control contagious diseases through the legislative process. The Public Health Officer in her Vaccine Mandate Order on page 3 cites to case law to support the proposition that “[b]ecause protecting and preserving the health of its citizens from disease is an important governmental function, public health statutes and the actions of local health boards implementing those statutes are liberally construed.”. See Vaccine Mandate Order (Exhibit A at pg. 3, paragraph 3), citing Spokane Cty. Health Dist. v. Brockett, 120 Wn.2d

140, 149, 839, P.2d324, 329 (1992). While recognizing that it is the power of the local health board to take such action, the Public Health Officer has disenfranchised the Clallam County Board of Health from doing so.

Requested Remedies For the Violation of RCW 70.05.070 by the Clallam County Public Health Officer.

This complaint is filed pursuant to RCW 70.05.120 (1) which provides:

Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05, 70.24 and 70.46 RCW or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RW, and the rules and regulations of the state board of health adopted thereunder.

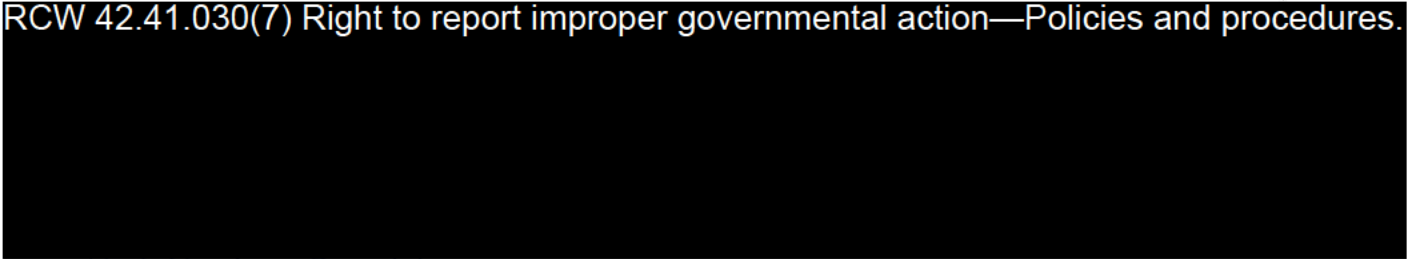
Complainants respectfully request the following actions taken by this State Board of Health:

1. Finding, after a hearing, that the Clallam County Public Health Officer violated RCW 70.05.070 in issuing the Vaccine Mandate Order.
2. Finding, after a hearing, that the Vaccine Mandate Order was void at its inception.
3. Determining, after a hearing, whether a violation of RCW and Clallam County provisions merit the removal of the Clallam County Public Health Officer.

Complainants, Patricia E. Monson and [RCW 42.41.030(7) Right to report] reside in Clallam County and have been residents [RCW 42.41.030(7) Right to report] [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures.] (retired status) and a [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures.] While residing in [RCW 42.41.030(7) Right to report] [RCW 42.41.030(7) Right to report] was a [RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures.] [RCW 42.41.030(7) Right to report] is currently a Clallam County employee. [RCW 42.41.030(7) Right to report] informed her supervisor concerning this matter of complying with RCW 70.05.070. [RCW 42.41.030(7) Right to report] makes this complaint subject to RCW 42.41.030 and RCW 42.41.040.

Respectfully Submitted on September 10, 2021,

RCW 42.41.030(7) Right to report improper governmental action—Policies and procedures.



Patricia E. Monson

Citizens of Clallam County, Washington

cc: Washington State Auditor's Office

EXHIBIT A



Clallam County Department of Health and Human Services

111 E. 3rd Street • Port Angeles, WA 98362 • Phone: 360-417-2303 • Fax: 360-452-9605

COUNTY OF CLALLAM

State of Washington

In the Matter of Emergency Response to the
COVID-19 Pandemic

PUBLIC HEALTH ORDER—September 02, 2021

BACKGROUND

1. On February 29, 2020, Governor Jay Inslee issued Proclamation [20-05](#), which declared a State of Emergency in all Counties in Washington State due to the public health emergency caused by the COVID-19 virus.
2. On March 11, 2020, the World Health Organization declared the outbreak of COVID-19 to be a pandemic.
3. On March 17, 2020, the Clallam County Board of Commissioners approved a Declaration of Emergency due to the COVID-19 pandemic.
4. On March 23, 2020, Governor Jay Inslee signed Proclamation [20-25](#) declaring that a State of Emergency continues to exist in all Counties in Washington State due to COVID-19. Proclamation [20-25](#) has been amended several times, most recently on August 20, 2021. Proclamation 20-25, et seq. limits Washingtonians' ability to participate in certain activities unless certain conditions are met.
5. As a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, Governor Jay Inslee subsequently issued amendatory proclamations exercising his emergency powers under RCW [43.06.220](#) by prohibiting certain activities and waiving and suspending specified laws and regulations.
6. The Clallam County Public Health Department has confirmed localized person-to-person spread of COVID-19 in Clallam County. Given the current understanding about how COVID-19 spreads, including by asymptomatic and pre-symptomatic persons, masks are an essential defense to the spread of COVID-19.
7. Viruses constantly change through mutation, and new variants of a virus are expected to occur over time. Multiple variants of the virus that causes COVID-19 have been documented on the Olympic Peninsula, in the United States, and globally during this pandemic. See <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant.html>.

8. COVID-19 vaccines are effective in reducing infection and serious disease. Widespread vaccination is the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, long-term care facilities and other congregate care facilities from COVID-19 infections.

9. COVID-19 vaccines are safe and effective. COVID-19 vaccines were evaluated in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration's rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization. On August, 23, 2021, the FDA granted full approval to the Pfizer-BioNTech COVID-19 vaccine. To date, more than 368 million doses of COVID-19 vaccines have been given in the United States with 8.5 million of those doses administered in Washington, and serious safety problems and long-term side effects are rare.

10. After months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the "delta variant" that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals.

11. The Centers for Disease Control and Prevention stated on July 27, 2021 that to maximize protection from the Delta variant and prevent possibly spreading it to others, wear a mask indoors in public if people are in an area of substantial or high transmission.

12. As of August 4, 2021, nearly 4.4 million Washingtonians, about 70% of those eligible and 58% of the total population, had initiated their vaccine series, leaving 2.1 million eligible Washingtonians who were unvaccinated

13. On August 12, 2021, Health Officers from all 35 local health jurisdictions in the State of Washington released the following recommendation: "The health officers from all 35 local health jurisdictions in Washington State have joined together to pass on their best public health advice to protect you, your family, and our communities. We recommend all residents wear facial coverings when in indoor public settings where the vaccination status of those around you is unknown. This step will help reduce the risk of COVID-19 to the public, including customers and workers, help stem the increase in COVID-19 cases and hospitalizations in many parts of the state and decrease the spread of the highly contagious Delta variant."

14. On August 13, 2021, Dr. Allison Berry issued an emergency order requiring masking when in indoor public spaces, offices, and businesses in Clallam and Jefferson Counties.

15. On August 20, 2021 Governor Inslee issued a mask mandate for the state of Washington requiring masking in indoor public spaces, allowing an exemption to remove one's mask when eating and drinking or when actively participating in athletics.

16. As of August 21, 2021, 495 outbreaks of COVID-19 have been tied traced to restaurants, and bars in Washington State. Localized transmission of COVID-19 and outbreaks related to restaurants and bars have been documented in Clallam County. Indoor bars and restaurants are known to pose a high risk for COVID-19 transmission as they encourage unmasking of large groups of people indoors.

17. Throughout the COVID-19 pandemic there have been waves of increased risk of transmission, requiring the ability to implement stricter mitigations and safety protocols as recommended by public health officials.

AUTHORITY TO ISSUE ORDER

1. RCW [70.05.070](#) vests authority in the Clallam County Health Officer to take such action as is necessary to maintain health and sanitation; to control and prevent the spread of any dangerous, contagious, or infectious diseases; and to take such measures as deemed necessary in order to promote the public health.

2. WAC [246-100-040\(2\)](#) provides the Clallam County Health Officer “the powers of police officers, sheriffs, constables, and all other officers and employees of any political subdivisions within the jurisdiction of the health department to enforce immediately orders given to effectuate the purposes of this section in accordance with the provisions of RCW [43.20.050\(4\)](#) and [70.05.120](#).” Under WAC [246-100-040\(2\)](#), these powers include Clallam County’s police powers authorized by Wa. Const. art. XI, §11 and RCW [36.32.120\(7\)](#).

3. The preservation of the public health is a proper subject for the exercise of the police power and is the first concern of the state. *State v. Superior Court for King Cty.*, 103 Wash. 409, 419, 174 P. 973, 976 (1918). *See also Medtronic, Inc. v. Lohr*, 518 U.S. 470, 475, 116 S. Ct. 2240, 2245, 135 L. Ed. 2d 700 (1996). A county has the power to quarantine persons with infectious diseases. *City of Seattle v. Cottin*, 144 Wash. 572, 576, 258 P. 520, 521 (1927). Because protecting and preserving the health of its citizens from disease is an important governmental function, public health statutes and the actions of local health boards implementing those statutes are liberally construed. *Spokane Cty. Health Dist. v. Brockett*, 120 Wn.2d 140, 149, 839 P.2d 324, 329 (1992) (citations omitted). The legislatively delegated power to counties and health boards to control contagious diseases gives them extraordinary power which might be unreasonable in another context. *Id.*

4. WAC [246-100-036\(3\)](#) requires the Clallam County Health Officer, when necessary, to institute disease control and contamination control measures as deemed necessary based on professional judgment, current standards of practice and the best available medical and scientific information.

5. Despite the declaration of emergency and best public health efforts, Clallam County has continued to experience rising rates of COVID-19 transmission and numerous outbreaks (defined as multiple positive tests for COVID-19 from a single location or event).

6. Clallam County is currently experiencing ongoing transmission of confirmed COVID-19 cases related primarily to the highly transmissible Delta variant, as are neighboring counties and Washington State as a whole.

7. Rates of COVID-19 transmission and hospitalization have been on the rise throughout the summer of 2021 due to the highly contagious Delta variant, largely in the unvaccinated population. As of August 31, 2021, hospitals in Clallam County have reached capacity and 98% of the staffed ICU beds in King, Snohomish and Pierce Counties are full.

8. COVID-19 vaccination continues to prevent hospitalization and save lives. 94% of those hospitalized for COVID-19 in Washington State between February 1, 2021 and August 21, 2021 were not fully vaccinated. 92% of those who have died during that same time period in Washington State were not fully vaccinated.

9. Based on professional judgment of the Clallam County Health Officer, it is necessary to issue this order requiring proof of vaccination for those high risk indoor environments, to include bars and restaurants - under the limitations listed below.

10. The Health Officer further finds that immediate enforcement of the below COVID-19 safeguards is necessary to prevent the spread of COVID-19 in Clallam County and for the preservation of public health, safety, and general welfare and lies within the existing authority of the Health Officer.

ORDER

IT IS ORDERED, by the Clallam County Health Officer that it is necessary that:

1. Effective September 4th and continuing until the Governor has declared the public emergency related to COVID-19 has ended or until this order is revoked earlier, all persons entering bars and restaurants in Clallam County must provide proof that they are fully vaccinated against COVID-19, except as provided in Section 2, below.

- a. For purposes of this order, “fully vaccinated” means that a person has received all the required doses of a vaccine for COVID-19 (e.g., two doses of the Moderna or Pfizer-BioNTech vaccines, or one dose of the Johnson & Johnson vaccine) and 14 days have passed since the final dose.
- b. Acceptable forms of proof of vaccination include a completed CDC vaccination card, a State Department of Health Certificate of COVID-19 Vaccination, a printed copy of the person’s State Department of Health vaccine record, a photograph of any of the preceding, or an app-based vaccine passport.

2. Proof of vaccination is not required in the following scenarios:

- a. Employees of bars and restaurants who do not remove their masks at work are not required to provide proof of vaccination to their employers. Employers continue to be required to comply with all other requirements for employers in the Washington Department of Labor and Industries guidance (<https://www.lni.wa.gov/forms-publications/F414-164-000.pdf>), including the requirement to document the vaccine status of all employees.
- b. Employees of bars and restaurants who are unable to be vaccinated because of a disability or the requirement to do so conflicts with their sincerely held religious beliefs, practice, or observance. Employers:
 - i. Must provide any disability-related reasonable accommodations and sincerely held religious belief accommodations to the requirements of this order that are required under the Americans with Disabilities Act of 1990 (ADA), the Rehabilitation Act of 1973 (Rehabilitation Act), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), and any other applicable law. As provided in the above-noted laws, employers are not required to provide accommodations if they would cause undue hardship to the employer. Reasonable accommodations must be determined on an individualized basis and may include wearing a mask or working remotely. The requirement of wearing a mask is reasonable accommodation for the purposes of this order.
 - ii. Must comply with the procedures required under the above-noted laws and any other applicable law when considering and deciding whether to provide accommodations.
 - iii. Must, to the extent permitted by law, before providing a disability-related reasonable accommodation to the requirements of this order, obtain from the individual requesting

the accommodation documentation from an appropriate health care or rehabilitation professional stating that the individual has a disability that necessitates an accommodation and the probable duration of the need for the accommodation.

- iv. Must, to the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this order, document that the request for an accommodation has been made and include a statement from the employee explaining the way in which the requirements of this order conflict with the sincerely held religious belief, practice, or observance of the employee.
- v. Are prohibited from providing accommodations: (1) That they know are based on false, misleading, or dishonest grounds or information; (2) That they know are based on the personal preference of the individual and not on an inability to get vaccinated because of a disability or a conflict with a sincerely held religious belief, practice, or observance; or, (3) Without conducting an individualized assessment and determination of each individual's need and justification for an accommodation; i.e., "rubberstamping" accommodation requests.

- c. Children under 12 who are not yet eligible for COVID-19 vaccination are not required to prove vaccination status in bars or restaurants.

3. In addition, individuals in Clallam County must abide by any existing Proclamations from the Governor, Orders from the Secretary of the State Department of Health and any applicable Orders from the Clallam County Health Officer.

4. The Health Officer and his/her representatives are hereby authorized to inspect venues for compliance with the COVID-19 safeguards. Enforcement shall begin by providing the venue with an opportunity to remedy the violation, except that immediate suspension may be implemented when deemed necessary to correct an imminent or actual health hazard.

5. The Health Officer and his/her representatives are authorized to enforce non-compliance through the suspension of operating permits, or other remedies authorized by state law and/or the Clallam County Code.

6. Implementation Plan.

a. The Health Officer or his/her representative may conduct inspections of establishments pertaining to COVID-19 safeguards periodically and will respond to complaints. Upon determining that there is a violation of the COVID-19 safeguards, the Health Officer's representatives will provide education and guidance, to assist in coming into compliance, unless immediate permit suspension is necessary to respond to an imminent or actual health hazard.

b. Where immediate permit suspension is not necessary, the Health Officer's representatives will, within 72 hours of providing education/guidance, again determine whether compliance has been achieved. If there remains non-compliance with COVID-19 safeguards, permits will be suspended, and an immediate cessation of operations will be required.

c. If an immediate permit suspension was imposed, the establishment shall be responsible for reaching out to the Clallam County Department of Public Health to address potential reopening.

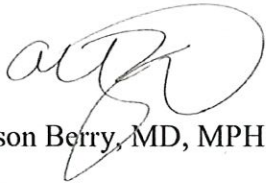
d. All establishments with a suspended permit will be required to submit corrective actions and meet with the Health Officer's representative to discuss such actions before they are allowed to schedule a reopening inspection.

e. The Health Officer's representatives also may request the assistance of the local police, Washington State Patrol, Clallam County Sheriff, and all other officers and employees of any political subdivision within Clallam County to enforce this health order.

f. Noncompliant establishments will also be referred to the Washington State Department of Labor and Industries for additional enforcement.

7. Consequences of Noncompliance. Noncompliance with this rule may subject the violator to permit suspension by the Health Officer. Any person who shall fail or refuse to obey any lawful order issued by any local health officer shall be deemed guilty of a misdemeanor punishable as provided under RCW [70.05.120](#). Violations of Secretary of Health directives and the Governor's Proclamations are misdemeanors and are subject to criminal penalties. Violations of Department of Labor and Industries are subject to fines and other enforcement remedies by that department.

Ordered this 2nd day of September, 2021

A handwritten signature in black ink, appearing to read 'Allison Berry', is written over a circular stamp or seal.

Allison Berry, MD, MPH

Clallam County Health Officer

EXHIBIT B



Clallam County Department of Health and Human Services

111 E. 3rd Street • Port Angeles WA 98362 Phone: 360-417-2274 Fax 360-452-4492

August 12, 2021

To: Clallam County Board of Health
From: Kevin LoPiccolo, HHS
Re: August 17, 2021 Board of Health Meeting

Included in next week's packet is the following:

- Agenda
- Draft minutes from the July 20, 2021
- Staff memo/draft ordinance amendment packet – Public Hearing

I hope everyone enjoys their weekend.

Kevin



CLALLAM COUNTY BOARD OF HEALTH

AGENDA of August 17, 2021 @ 1:30 – 3:30 pm

Clallam County Courthouse

Board of Commissioners Meeting Room 160

223 E. 4th Street

Port Angeles, WA 98362

****ATTENTION****

In response to the current Governors order Clallam County has moved to Phase 3 of the Healthy Washington Roadmap to Recovery Plan. To be in compliance with the Healthy Washington Roadmap to Recovery Plan the following general requirements for COVID safety for meetings held in the Board of Commissioners Board Room are as follows:

1. All attendees are encouraged to provide contact information on a sign in sheet which will be retained for 28 days for contact tracing purposes.
2. Public seating areas and Board member seating must be arranged to ensure physical distancing is maintained.
3. Meeting attendees must follow current face covering guidelines.
4. No food or drink should be consumed in the BOCC Board Room.
5. Meeting organizers shall clean or arrange to have cleaned high-touch surfaces before and after each meeting.
6. Hand sanitizing stations will be available in the BOCC Board Room.
7. Keep doors and windows open where possible to improve ventilation.
8. The Chair of the meeting shall ensure masking and social distancing practices are enforced and practices by all event attendees.

This meeting can be viewed on a live stream at this link: <http://www.clallam.net/features/meetings.html>

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and join with Meeting ID: 935 7343 5754 and Passcode: 095863

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/93573435754> join with Meeting ID: 935 7343 5754 and Passcode: 095863

Public comment and questions can be directed to the Director of Health and Human Services at 360-417-2523 or klopicecolo@co.clallam.wa.us

- Call to Order, Roll Call
- Request for Modifications/Approval of Agenda
- Approval of Draft Meeting Minutes for July 20, 2021
- Public Comment for Agenda Items – *Please limit comments to three minutes*
- Introductions
- Presentations and Discussion
 1. Craft3 (financing options for repair/replacement of septic systems)
 2. Mask wearing in public indoor settings
- Board of Health Public Hearing:
 1. An ordinance amending, Chapter 41.20, On-Site Sewage System and Chapter 41.50, Fees. The proposed ordinance amendments provides the changes required for implementing the county's on-site Septic System and Operations and Maintenance Program funding structure, found in Section 1(3) and proposed changes to add an Annual Operation & Maintenance fee and to increase fee for Vital Records, per RCW 70.58.107.

- Old Business and Information Items
- Health Officer
 - COVID-19 Update
- Environmental Health Director
- HHS Director
- Future meeting agenda items
 1. Health and Human Services Goals & Objectives
 2. Clallam Health Network
 3. PIC (Pollution, Identification and Correction) Update
 4. Systemic Racism
 5. Vaccination Rates
 6. Chronic Disease CHIP
 7. Air Quality and Noise Ordinance
 8. Climate Change
 9. Update on Behavioral Health Organization (BHO)
 10. Olympic Peninsula Healthy Communities Coalition
- Public Comment – *Please limit comments to three minutes*
- Adjournment

NEXT MEETING – September 21, 2021

Members:

Chair, Navarra Carr; Vice Chair, Dr. Gerald Stephanz; Don Lawley; Shahida Shahrir; Mark Ozias;
Randy Johnson; Bill Peach

Health and Human Services Staff:

Dr. Allison Berry, Health Official; Kevin LoPiccolo, Director;
Jennifer Garcelon, Environmental Health Director; Celia Thompson, Clerk of the Board

JULY 20, 2021

DRAFT MINUTES



CLALLAM COUNTY BOARD OF HEALTH

MINUTES of July 20, 2021 @ 1:30 pm – 3:30 pm

Clallam County Courthouse

Board of Commissioners Meeting Room 160

223 E. 4th Street Port Angeles, WA 98362

Meeting was held via Zoom (Video conference)

REGULAR MEETING OF THE CLALLAM COUNTY BOARD OF HEALTH

Navarra Carr, Chair called the meeting to order at 1:30pm.

Members Present: Commissioners Johnson, Ozias and Peach, Navarra Carr, Dr. Gerald Stephanz, Shahida Shahrir, Kevin LoPiccolo and Dr. Allison Berry

Members Absent: Don Lawley, Jennifer Garcelon

- **Call to Order, Roll Call**
- **Request for Modifications/Approval of Agenda**
ACTION TAKEN: The Board had unanimous consent of the agenda with the addition of a discussion on House Bill 1152 under Old Business.
- **Approval of Draft Meeting Minutes for June 15, 2021**
The minutes will be available for approval at the next meeting.
ACTION TAKEN: The Board had unanimous consent of the meeting minutes for June 2021
- **Public Comment for Agenda Items** – Robbie Mantooth, co-founder of Friends of Ennis Creek, spoke on the need to clean up Ennis Creek for salmon runs.
- **Introductions**
None
- **Presentations and Discussion**
None
Board of Health Member Discussion
Heather Watts, Clallam County Environmental Health, presented the Onsite Septic System Operations and Maintenance Program Manual and the resolution for a countywide onsite septic fee. A motion was made to amend CC Code 41.20 On Site Sewage, and 41.50 Fees, and call for Public Hearing at the Board of Health August meeting, which will take place on August 17, 2021. Discussion followed.
ACTION TAKEN: The Board had unanimous consent to move forward with the Public Hearing.
[J:\Users\cthomps\OSS OM Program Manual \(2\).pdf](J:\Users\cthomps\OSS OM Program Manual (2).pdf)

Board of Health Membership discussion:
<J:\Users\cthomps\Ord748, 2004.pdf>
The Board will start the recruitment process for two new membership positions:
Tribal Representative
Consumer/Past Consumer of Public Health services

- **Old Business and Information Items**

House bill 1152 bill discussion: Authorizes local health boards to take action. Commissioner Peach recommends that the Board make the public aware of this legislation at the Public Hearing on August 17, 2021. Discussion followed.

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Health Officer

Covid-19 update. Dr. Berry spoke on current statistics of cases: 1566 cases, case rate 100 per 100,000, 5.4% positivity rate, 2 hospitalizations currently, 17 deaths to date, 1488 recovered. Unvaccinated people gathering indoors, as well as travelling and picking up variants and bring them home seems to be the issue. There has been a statewide rise in hospitalizations, our hospital is doing ok.

Vaccination rates: 91,000 vaccines have been administered in Clallam County; countywide 57% have had one dose, 12 and up-66% has had one dose, 61% fully vaccinated, over 65-82% vaccinated, 12-17 32% vaccinated. Returning to universal masking is being seriously considered. She is concerned about the Gamma and Delta variants.

Her recommendation for returning to in person school in the fall is indoor masking for all students and teachers, until herd immunity is achieved. The State has not come out with their recommendations for school at this time. Discussion followed.

Public Health Nurse salary compensation discussion.

- **Environmental Health Director**

None

- **HHS Director**

Kevin LoPiccolo reported Serenity House addition is 80% complete.

He is working with OlyCap on the SDC exit strategy.

There was a discussion on the mental health and medical services that are being provided to our SDC and Serenity House clients, and how best to serve that population in the future.

- **Future Agenda Items**

Continue to work on the details for implementation of stable funding of the OSS program

Update from Clallam Health Network

Board of Health Membership

Drug abuse and overdose discussion in relation to the recent Supreme Court decision

Systemic racism

Craft 3

- **Public Comment**

None

- **Adjournment**

Meeting was adjourned at 3:08 p.m.

NEXT MEETING – August 17, 2020

PASSED AND ADOPTED this _____ day of _____, 2021

CLALLAM COUNTY BOARD OF HEALTH

Navarra Carr, Chair

Allison Berry, MD, MPH, Health Officer

ATTEST:

Celia Thompson, Clerk of the Board

STAFF MEMO
&
PUBLIC HEARING
PACKET



Clallam County Department of Health and Human Services

111 E. 3rd Street • Port Angeles, WA 98362 • Phone: 360-417-2303 • Fax: 360-452-9605

To: Clallam County Board of Health
From: Clallam County Environmental Health Services
Subject: On-site Septic System Management Program Sustainable Funding
Date: August 12, 2021

Summary

The Board of Health at their July 15, 2021 meeting discussed with staff the proposed draft ordinance amending, Chapter 41.20, On-Site Sewage System and Chapter 41.50, Fees. The proposed ordinance amendments provides the changes required for implementing the county's on-site Septic System and Operations and Maintenance Program funding structure, found in Section 1(3) and proposed changes to add an Annual Operation & Maintenance fee and to increase fee for Vital Records, per RCW 70.58.107.

The Board of Health after review and deliberation, voted 6-0 to forward draft ordinances for the August 17, 2021 Board of Health meeting and conduct a Public Hearing.

As per Clallam County Code, Chapter 41.01.060, the Board of Health shall have responsibility over all matters pertaining to the preservation of the life and health of the people of Clallam County and shall, in addition to those duties set forth in RCW 70.05.060, as now or hereafter amended:

- (1) Collect, analyze, and disseminate to the community, in an annual report prepared by the Clallam County Department of Health and Human Services and the County Health Officer, information about community health status, preventable health risks, and the availability of resources to address identified health problems.
- (2) Enact such rules, regulations, and policies necessary to preserve, promote, and improve the health status of Clallam County residents, and guide the allocation of appropriate and necessary public health resources.
- (3) Assure that necessary, high quality, effective public health services are available for the protection of the people of Clallam County, including the control and prevention of any dangerous, contagious, or infectious disease within the County.
- (4) Provide for the prevention, control, and abatement of nuisances detrimental to public health.
- (5) Enforce, through the County Health Officer, the public health statutes of the State and County.
- (6) Establish fee schedules for issuing and renewing licenses and permits or for other services authorized by the law and the rules of the Washington State Board of Health.

Public Notice

Staff prepared a Public Notice that was published in the Peninsula Daily News on August 8 and August 15, 2021, notifying interested parties on the August 17, 2021 Public Hearing for said ordinance amendments (Exhibit C).

Public Comments

As of this writing, staff has received four emails. Three of the emails relate to the upcoming public hearing and one letter regarding the COVID vaccine (Exhibit D). Any correspondence that Staff receives will be supplied to the Board of Health at the upcoming meeting.

Recommended Action

Approve draft ordinance amending, Chapter 41.20, On-Site Sewage System and Chapter 41.50, Fees. Attached is the draft ordinance (Exhibit A and B).

EXHIBIT A

CHAPTER 41.20 ON-
SITE SEWAGE SYSTEM
(DRAFT)

Board of Health Ordinance ____

Amending Clallam County Code, Chapter 41.20, On-Site Sewage System

BE IT ORDAINED BY THE CLALLAM COUNTY BOARD OF HEALTH:

Section 1. Section .170, Implementation of OSS Management Plan (June 19, 2007), is amended to read as follows:

(1) OSS Inspections and Maintenance.

(a) General Conditions.

(i) The OSS owner will ensure a complete evaluation of the system components and/or property to determine functionality, maintenance needs, and compliance with Chapter [246-272A](#) WAC, these regulations, and any OSS permits:

(A) At least once every three years for all systems consisting solely of a septic tank and gravity subsurface absorption system (SSAS);

(B) Annually for all other systems unless more frequent inspections are specified by the local Health Officer.

(ii) OSS owners will assure that needed maintenance service or repairs to the OSS are accomplished in a timely manner.

(iii) Inspection activities are to follow the protocol set forth by Environmental Health Services and are to be reported on forms approved by the Health Officer to EHS within 30 days of the inspection of the OSS.

(b) Residential OSS Owner Systems Status Inspections. This section pertains to OSS owners who perform their own inspections.

(i) Owner inspections are limited to residential OSS of no more than two connections served by one OSS on the same lot.

(ii) OSS owners who perform their own inspections must first receive approval to inspect their own residential septic system from the Health Officer. Approval may consist of proof of completing a Health Officer approved training course appropriate for the level of complexity of the OSS the owner is to inspect and maintain, including obtaining a passing score on a test.

(iii) Homeowners are responsible for reporting their inspection activities in compliance with this section.

(iv) Where there are no records regarding the type, size, location and other applicable information on a septic system, the OSS owner must have the first system status inspection performed by a professional maintenance provider or licensed designer.

(c) Sewage System Maintenance Provider System Status Inspections.

(i) Licensed designers or sewage system maintenance providers performing OSS system status inspections shall meet the requirements of this section. OSS maintenance providers shall also meet the requirements of CCC [41.20.200](#) and [41.20.230](#) (licensing).

(d) Community and Commercial OSS Systems.

(i) Community and commercial OSS shall follow the requirements in subsection (1)(a) of this section (General Conditions) except where noted below.

(ii) All food service establishments served by OSS must meet the requirements of WAC [246-272A-0275](#) and CCC [41.20.180](#)(2).

(iii) All system status inspections are to be performed by a licensed sewage system maintenance provider or licensed designer.

(iv) All community gravity OSS with greater than two connections shall be evaluated annually.

(v) Relief from subsection (1)(d)(iii) of this section may be granted by the Health Officer provided the owner can demonstrate:

(A) The owner receives Health Officer approved training including obtaining a passing score on a test if required. The training must be appropriate for the level of complexity of the OSS the owner is to inspect and maintain.

(B) The OSS effluent characteristics are comparable to typical single-family residential volumes and strength.

(2) Marine Recovery Area (MRA).

(a) The legal boundaries of the marine recovery area shall be the same area described in Chapter 27.16 CCC, Sequim Bay-Dungeness Watershed Clean Water District, and include the following areas: the Dungeness watershed and those waters influenced by it through the irrigation system and other independent tributaries to the Strait of Juan de Fuca from Bagley Creek east to and including the Sequim Bay watershed. This encompasses the Dungeness and Gray Wolf Rivers, the creeks of Bagley, McDonald, Matriotti, Meadowbrook, Cooper, Cassalery, Gierin, Bell, Johnson, Dean, Jimmycomelately, Chicken Coop, and their tributaries.

(b) The MRA boundary shall also include the Miller Peninsula and Discovery Bay watershed inside Clallam County including those portions of the Miller Peninsula and the Eagle Creek watershed that are not currently included in the Sequim Bay-Dungeness Watershed Clean Water District. The boundaries are outlined in "Exhibit A" (as amended to include Miller Peninsula), attached to the ordinance codified in this chapter and incorporated by reference.

(c) All OSS owners within the marine recovery area shall have a system status inspection performed on their OSS by a licensed designer or a sewage system maintenance provider as described in this chapter as the first system status inspection required under the OSS Management Plan.

(d) After the initial professional inspection, owners of residential-type OSS who meet the requirements of this chapter may inspect their own OSS system, provided the initial professional inspection was conducted within the three years prior to the homeowner inspection.

(e) OSS owners who perform their own OSS system status inspection and maintenance providers are required to submit a system status report per this chapter.

(3) Environmental Health Services' implementation of the OSS Management Plan shall be supported by an annual Operation and Maintenance (O&M) fee applied to each onsite wastewater disposal system.

(a) The amount of the O&M fee shall be set by the Board of Health on the Environmental Health Services fee schedule in Chapter 41.50 CCC and collected annually through the property tax collection system in accordance with RCW 70.05.190.

(b) Any revenues generated by the O&M fee shall be used solely for the purpose of implementing the OSS Management Plan.

(c) Those claiming exemption from the O&M fee shall demonstrate to the satisfaction of the Health Officer (or designee) absence of an onsite wastewater disposal system.

(i) Such demonstration shall take the form of a receipt for connection to a permitted sanitary sewer system, a bill for permitted sanitary sewer service, an invoice for OSS decommission, a site visit with Environmental Health Services staff to confirm absence of a water supply/any sources of wastewater, or similar documentation approved by the Health Officer or designee.

(ii) Request for exemption from the O&M fee shall be made before September 30 of the year prior to that in which the exemption would take effect.

(4) Any subsequent adoption of updates to the OSS Management Plan shall be considered to have been incorporated into this chapter without the need for further amendment.

ADOPTED this _____ of _____ 2021

CLALLAM COUNTY BOARD OF HEALTH

Navarra Carr, Chair

Allison Berry, M.D., MPH, Health Officer

ATTEST:

Celia Thompson, Clerk of the Board

EXHIBIT B
CHAPTER 41.50
FEES (DRAFT)

Board of Health Ordinance _____

Amending Clallam County Code Chapter 41.50, Fees, as related to the
Environmental Health Division of the Health and Human Services Department

BE IT ORDAINED BY THE CLALLAM COUNTY BOARD OF HEALTH:

Section 1. Section .010, Fees for the Department of Health and Human Services, is amended to read as follows:

See Fee Schedule Health and Human Services (attached).

ADOPTED this _____ day of _____ 2021

CLALLAM COUNTY BOARD OF HEALTH

Navarra Carr, Chair

Allison Berry,
M.D., MPH, Health Officer

ATTEST:

Celia Thompson, Clerk of the Board

**CLALLAM COUNTY HEALTH AND HUMAN SERVICES
ENVIRONMENTAL HEALTH
FEE SCHEDULE - EFFECTIVE July 1, 2022ⁱ**

SERVICE	FEE
<i>General Environmental Health</i>	
Technical Assistance	\$93/hour
Waiver Request	
Local Code only	\$125
State Code	\$185
Appeals to the Board of Health for Determination	\$265
Administrative Conference	\$199
Administrative Hearing	\$331
<i>Environmental Health Land Use Proposal Fees</i>	
Site Evaluations	\$397/lot
Administrative Fee	\$93/hour
Land Use Technical Review Fee	\$132 first two hours, then \$93/hr
Land Division Seasonal Water Table Observation	\$465, first 5 hours, then billed at hourly rate
Final Plat Review for Signature	\$159
<i>On-Site Septic Program</i>	
Site Registration	\$397
Construction Permit	
Individual	
Conventional	\$424
Alternative	\$503
Owner Installed	\$569
Commercial	\$569, first 350 gallons, then \$265 for each additional 350 gallons
Community	\$569, plus \$265 for each added connection
Repair Permit	
Individual – Conventional or Alternative System	\$239
Commercial	SAME AS NEW PERMIT FEE
Community	SAME AS NEW PERMIT FEE
Tank Placement Only	\$239
Expansion of Existing System	\$384
Vault Toilet or Waterless System	\$239
Re-inspection Fee	\$186
<i>Services</i>	
Operation and Maintenance	
Annual O&M Fee	\$13
System Status Report Review Fees	
Electronic Submission – Gov't Action	\$46
Paper Submission – Gov't Action	\$56
Return Fee for Incomplete Report	\$43
Seasonal Water Table Observations	\$465, first 5 hours, then billed at hourly rate

**CLALLAM COUNTY HEALTH AND HUMAN SERVICES
ENVIRONMENTAL HEALTH
FEE SCHEDULE - EFFECTIVE July 1, 2022¹**

SERVICE	FEE
Permit Re-design	\$132
Onsite Sanitary Surveys	\$185
Septic System Decommissioning Certification	\$93
Sewage System Installer's Certification	
Sewage System Installer Annual Fee	\$317
Site Installer Annual Fee	\$159
Septic Tank Pumper's Certification	
Septic Pumper Annual Fee	\$317
Operation & Maintenance Specialists Certification	
Examination	\$199
O&M Specialists Annual Fee	\$317
<i>Solid Waste Program</i>	
Plan Review for New Application	\$930, first 10 hours, then billed at hourly rate
Municipal Solid Waste Landfill	
MSWLF Annual Permit	\$7,935
MSWLF Closure Permit	\$9,919
MSWLF Post Closure Permit Annual Fee	\$3,968
Recycling	\$926
Composting	\$1,852
Land Application	\$926
Anaerobic Digester	\$926
Energy Recovery and Incineration	\$926
Intermediate Solid Waste Material Recovery Facility	\$926
Intermediate Solid Waste Facility Transfer Station	
TS Handling <5,000 tons/year	\$926
TS Handling >5,000 tons/year	\$3,703
Piles Used for Storage or Treatment	\$463
Surface Impoundments and Tanks	\$463
Waste Tire Storage and Transportation	\$463
Moderate Risk Waste Handling Facility	\$1,852
Satellite Moderate Risk Waste Handling Facility	\$278
Limited Purpose Landfill	
Limited Purpose Landfill Annual Permit	\$4,629
Limited Purpose Landfill Closure	\$6,613
Limited Purpose Landfill Post Closure Annual Fee	\$2,777

**CLALLAM COUNTY HEALTH AND HUMAN SERVICES
ENVIRONMENTAL HEALTH
FEE SCHEDULE - EFFECTIVE July 1, 2022ⁱ**

SERVICE	FEE
Inert Waste Landfill	\$2,777
Permit Exempt Facilities Which Require Review	\$370
Other Solid Waste Facilities or Activities	\$93/hour
Late Permit Fee	50% of base
Penalty Fee	10% of base
Secure Medicine Return Program ⁱⁱ	
Initial Plan Review Fee ⁱⁱⁱ	\$9,170 first review, then billed at hourly rate
Annual Operating Fee	\$11,160
Revision of Approved Plan	\$279, first 3 hours, then billed at hourly rate
Agency Activities to Enforce Against Non-Compliance	\$93/hour
Review of Petition for Alternative Disposal Method	\$279 first 3 hours, then billed at hourly rate
<i>Food Safety Program</i>	
Restaurants	
0-25 Seats	\$278
26-50 Seats	\$408
51-100 Seats	\$463
More Than 100 Seats	\$555
Cocktail Lounge	\$132
Catering	
Off-site by Restaurant	\$185
Stand Alone	\$278
Institutional Facilities	
Schools	
Main Kitchen	\$185
Satellite Kitchen	\$93
Jail Kitchen	\$185
Limited Food Services	
B&B, Taverns, etc.	\$185
Temporary Special Events	
PHF Foods	\$132
Non-PHF Foods	\$33
Late Application Fee	Additional 50% of base fee
Farmers' Market Vendor	\$185
Large Event Permit (4+ vendors)	\$140
Groceries	
0-3 Check Stands	\$278
4 or More Check Stands	\$370
Grocery w/Food	
Meat	\$93

**CLALLAM COUNTY HEALTH AND HUMAN SERVICES
ENVIRONMENTAL HEALTH
FEE SCHEDULE - EFFECTIVE July 1, 2022ⁱ**

SERVICE	FEE
Bakery	\$93
Fish	\$93
Deli	\$185
Espresso	\$93
Community Kitchen	\$93
Penalty Fees	
Re-inspection	\$186
Late Fees	
1 month delinquent	50% of base
2 months delinquent	75% of base
Food Handler Cards ^{iv}	
New	\$10
Duplicate	\$5
Plan Review	
Complex menu	\$278
Non-complex menu	\$159
PHF limited menu	\$132
Non-PHF limited menu	\$93
Change in Ownership	50% of establishment's plan review fee
Laboratory Services and Drinking Water Program	
Water Testing	
Bacteria Presence/Absence	\$23
Total coliform/ <i>E.coli</i> count	\$35
Enterococcus (Beach)	\$40
Bacterial retest	\$18
Fecal coliform	\$30
Nitrate	\$30
Water Availability (GMA Requirement)	
Public or Private	\$70
Alternative Water System Plan Review (Rainwater Catchment)	\$200
Public Water System Plan Review	
Plan Review	\$93/hour
Well Site Inspection	\$278
Water System Sanitary Survey	
Private Individual Well	\$242
Public Water System	\$460
Living Environment Program	
Swimming Pools/Spas Permit	
Open All Year	\$317
Seasonal	\$231
Each Additional Pool/Spa	\$93
Plan Review	\$93/hour

CLALLAM COUNTY HEALTH AND HUMAN SERVICES ENVIRONMENTAL HEALTH FEE SCHEDULE - EFFECTIVE July 1, 2022ⁱ	
SERVICE	FEE
Schools	
Plan Review	\$93/hour
Safety Inspections	\$93/hour
Food Preparation Facilities	See Food Program Section
Drug Lab Clean Up	
Sampling for Meth Contamination	\$93/hour
Meth Cleanup Plan Review	\$93/hour
Meth Habitation Determination	\$93/hour

ⁱ Fees are authorized as a power and duty of local boards of health under RCW 70.05.060(7)

ⁱⁱ Any additional time will be billed at cost of Clallam County's hourly rate of \$93, and if Kitsap has further review it will be billed at their current hourly rate

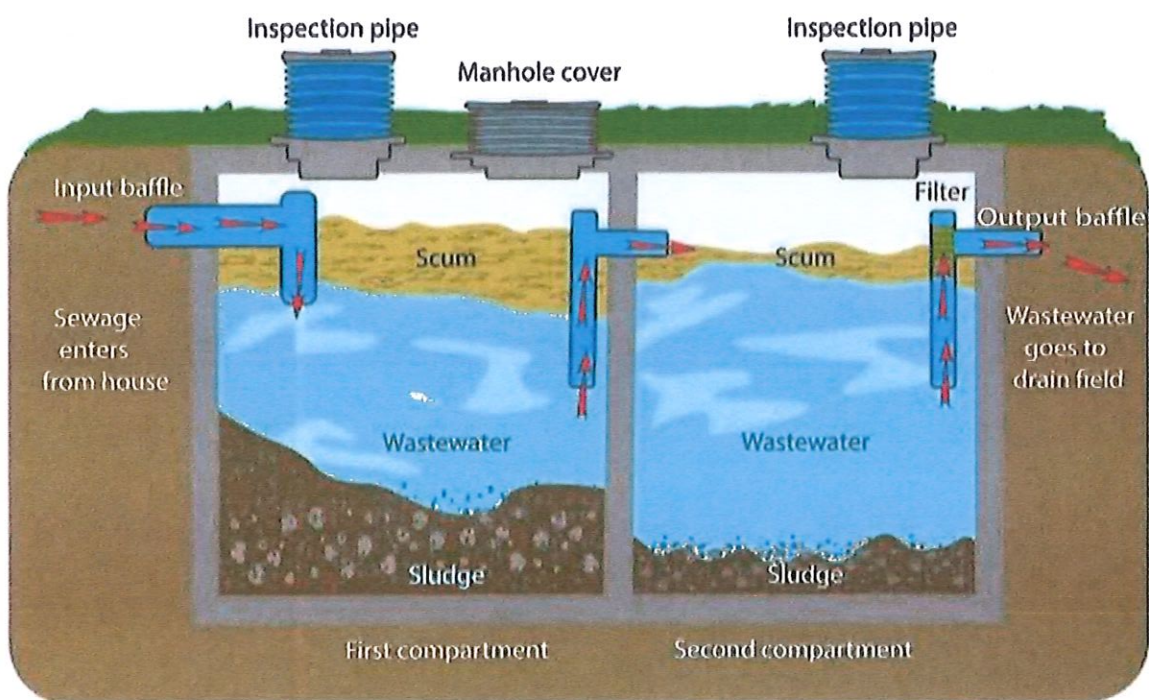
ⁱⁱⁱ Initial Plan Review Fee includes 50 hours of Kitsap Health District's review and 40 hours of CCEH's review

^{iv} Food Worker Card Fees are set by Washington State

HEALTH & HUMAN SERVICES FEE SCHEDULE – PUBLIC HEALTH
EFFECTIVE 2016 2021

PUBLIC HEALTH SERVICES	FEE	REFERENCE
State-supplied Vaccine (All administrative fees for immunizations using state supplied vaccine can be adjusted based on a sliding fee scale using 250% federal poverty guidelines.)		
Administration	\$23.00 each	
Office Visit	\$30.00	
State supplied vaccine is provided free of charge for children until their 19 th birthday except Hepatitis B which is provided until their 20 th birthday. Office visit fee is not adjustable.		
Private Purchase Vaccine (Cost of vaccine is not subject to sliding fee scale. Vaccine costs are immediately adjusted to reflect any manufacturer increases.)		
Administration/Office Visit	Cost of vaccine plus office	
Office Visit	visit and administration \$23.00	
Current Price Lists – Vaccine costs are immediately adjusted to reflect any manufacturer increases.		
HIV Pre/Post Testing and Counseling	\$50.00	
TB Test	\$60.00	
Blood Specimen Collection		
Venipuncture	\$55.00	
Specimen Handling	\$26.00 plus cost of lab	
Procedural Home or Office Visit	\$55.00 plus cost of lab	
HIV Pre/Post Testing and Counseling	\$50.00 plus cost of lab	
TB Test		
Office Visit	\$30.00	
Administration	\$23.00	
Cost of test material	\$ 7.00	
TB Quantiferon Office Visit	\$30.00 plus cost of lab	
Sliding Fee Scale	No longer available	
Account Set Up (for organizations requesting an account for billable services.)	\$100.00	
Vital Records		
Certified Birth Certificate	\$20.00 \$25.00	RCW 70.58.107
Certified Death Certificate	\$20.00 \$25.00	RCW 70.58.107
Search for Birth or Death Record	\$ 8.00	RCW 70.58.107
Certified Copy of Birth or Death Certificate	\$20.00 \$25.00	RCW 70.58.107
Expedited Fee - Birth Certificate	\$10.00	
Mail Certified Certificate	\$ 5.00	
Vital Records List	\$25.00	

ON-SITE SEPTIC SYSTEM
OPERATIONS AND
MAINTENANCE
PROGRAM MANUAL



On-site Septic System Operations and Maintenance Program Manual

Program Description and Standard Operating Procedures

Created July 2021

Revision History

Author	Date	Section	Summary of Changes
Heather Watts	July 2021	All	New document

Purpose and Scope

This Clallam County Environmental Health (CCEH) Standard Operating Procedure (SOP) describes the On-site Septic Operations (OSS) and Maintenance Program's (O&M) program plan and activities. This document is used to implement and evaluate program activities using revenue generated through an annual fee assessed to all on-site septic systems countywide. The O&M program will be adaptively managed over time and, as such, this document is intended to be revised regularly in order to maximize program efficiency.

Applicability

CCEH staff will refer to this document while implementing and evaluating O&M program activities. This manual is also available to the public and project partners by request.

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Background

The northern portion of Clallam County along the Strait of Juan de Fuca is part of the Puget Sound watershed. Figure 1 illustrates the watershed's boundaries. The Puget Sound is one of 28 estuaries of national significance named as part of the United States Environmental Protection Agency's (EPA) National Estuary Program (NEP). Established in 1987 under the Clean Water Act, the NEP "protects and restores the ecological integrity of estuaries of national significance." Estuaries contain important habitats such as wetlands, mudflats, rocky shores, and seagrass beds and serve as nursery and spawning areas. Almost 80% of the commercial and recreational fish caught in the U.S. depends on estuaries for part or all of their lives (National Estuary Program, 2018).

Figure 1: Puget Sound Watershed Boundaries



In July 2005, the Washington State Board of Health adopted Chapter 246-272A WAC, which requires local health departments to develop plans for the management of on-site septic systems (OSS) within their jurisdictions. The goal of this requirement was to preserve public health and protect the environment (Washington State Legislature, 2005). In 2006, Clallam County convened a workgroup that ultimately published the Clallam County On-site Management Plan in 2007 (Sound Resolutions, 2007)

and the Clallam County Board of Health (BOH) adopted the plan June 19, 2007. The creation of this OSS Operations and Maintenance (O&M) program manual utilizes the framework and recommendations provided in the 2007 plan.

The 2007 plan states, "Before Clallam County [Clallam County Environmental Health (CCEH)] can implement the Work Group's recommendations ... it must ensure that regulatory, programmatic, administrative, financial, and public-outreach systems are in place for effective implementation." The plan recommended a 2-phase implementation approach with a financial system having been secured during Phase 1, which was necessary to fund the O&M program activities described therein. This financial system was not secured in the years following the plan's adoption and the county has subsequently relied on geographically restrictive grant funding from the state to partially implement the 2007 plan. As such, this O&M program manual differs somewhat from the recommended 2-phase implementation strategy outlined in the original plan.

The plan also states, "Many details of these new programs remain unsolved. Therefore, an important activity in Phase 1 will be detailed scoping of each of these programs." This document serves as the fully scoped program plan. It describes program objectives and outcomes, strategies for implementation of program activities, and a method of evaluation to determine program efficacy. This program will follow an adaptive management cycle once implemented.

It is the hope that the Clallam County Board of Health (BOH) will approve stable funding for this program. The revenue from the operating fee per system recommended by the Onsite Management Plan's workgroup will support the work described herein. The plan states, "A fee or assessment should be collected via the property tax billing and collection process. All fees collected should be designated exclusively for implementation of the OSS plan; no funds shall be diverted to the county's general fund." (Sound Resolutions, 2007). The program activities described below provide services to OSS owners and protect public health for all County residents.

Introduction

A major source of pollution in Clallam County has been and remains failing OSS. In the early 2000's, 1,689 acres of commercial shellfish beds in Dungeness Bay were downgraded from "Approved" to "Prohibited" or "Conditional" due to fecal coliform surface water pollution. Extensive grant funded work done by multiple stakeholders drastically improved water quality from 2013-present, which allowed for upgrades in the Bay (https://www.clallam.net/hhs/EnvironmentalHealth/shellfish_downgrade.html). The breakdown of these status changes is in Table 1.

Table 1: Dungeness Bay Commercial Shellfish Status Changes 2000-2020

Month	Year	Growing Area	Acres Upgraded	Acres Downgraded	From	To
January	2000	Dungeness Bay	0	-300	Approved	Prohibited
May	2001	Dungeness Bay	0	-100	Approved	Prohibited
September	2003	Dungeness Bay	0	-227	Approved	Prohibited
September	2003	Dungeness Bay	92	0	Prohibited	Conditional
September	2003	Dungeness Bay	0	-1062	Approved	Conditional
April	2011	Dungeness Bay	424	0	Prohibited	Conditional
October	2015	Dungeness Bay	688	0	Conditional	Approved
October	2015	Dungeness Bay	40	0	Prohibited	conditional
October	2016	Dungeness Bay	272	0	Conditional	Approved
August	2020	Jamestown	23	0	Prohibited	Approved

Groundwater can also be polluted by untreated wastewater. Approximately 80% of households in Clallam County utilize groundwater as their drinking water source. Pathogens and nitrates can enter groundwater from improperly functioning OSS or OSS located too close a well. A 2007-2008 study conducted in the rural areas of the County analyzed groundwater for nitrates and bacteria. Excess nitrates can cause hypoxia (low levels of dissolved oxygen) and can become toxic to warm-blooded animals at higher concentrations (10 mg/L or higher) under certain conditions. Nitrate results indicated excellent groundwater quality overall, although 21% of wells tested contained nitrates at 1mg/L, a standard that indicates human-caused degradation from non-point sources, including OSS. The study stressed the importance of protecting the County's relatively uncontaminated groundwater and recommended "continuing inspections of ... on-site septic systems and educating residents on groundwater quality protection measures" as a means to protect groundwater from further degradation (Soule, 2008).

Program Overview

Failing septic systems can expose humans, pets, and wildlife to pathogens found in fecal bacteria. These pathogens can cause diseases such as gastroenteritis, ear infections, dysentery, or hepatitis A if ingested. Swimming, wading, eating shellfish from waters with high bacteria levels or exposure to raw sewage coming from a failing septic system in a home or yard can lead to exposure (DuBose, Poop Smart). Regular septic system maintenance is a proven way to get long-term cost savings and is required under Washington State Administrative Code (WAC) 246-272A-0270 and Clallam County Code (CCC) 41.20.170(1) (Washington State Legislature, 2007) (Clallam County Board of Health, 2008).

The primary goal of CCEH's O&M program is to prevent premature failures by normalizing regular inspections. Preventing premature failures will reduce health and economic disparities created by failing systems by reducing exposures and protecting investments. Local providers declared about 50% of inspections consistently prevent failures through the discovery of minor issues that are inexpensive to repair (Providers, 2021). A failing system requires substantial resources to repair, has the potential to impact human and environmental health, lowers property values, and can create legal issues.

Approximately 20,000 of Clallam County's 37,728 households have known OSS (Permit Plan, 2021) (United States Census Bureau, 2019). This is roughly 53% of households. Clallam's current septic inspection compliance rate countywide is 30% (Permit Plan, 2021). Regular system maintenance prolongs and extends the life of the system and has the potential to minimize health and economic disparities. Premature failures can be prevented by increasing awareness of inspection benefits, reducing barriers to compliance, and by enforcement of inspection compliance regulations when necessary.

CCEH's O&M Program activities will benefit OSS homeowners countywide and will have a meaningful impact in the greater community. Program activities will increase awareness about the benefits of maintenance; improve and preserve surface and ground water quality; provide training to homeowners, providers, and realtors; assist in offsetting inspection costs for low-income homeowners; and provide technical assistance. Program outcomes include preventing premature OSS failures; reducing health and economic disparities; increasing and improving homeowner capacity to conduct their own inspections; increasing Clallam County's compliance with state regulations; and protecting public health and the environment. Program activities also have the potential to support the County's local economy by supporting current OSS industry providers and providing opportunities for industry growth, protecting commercial and recreational shellfish beds, and sustaining tourism activities.

In the first 10 years, CCEH aims to increase inspection compliance from 30% to 90% countywide, ensure 75% of home sales are compliant with inspections at the time of sale, and reduce premature failures by 95%. The short-term, intermediate, and long-term goals are described in Table 2. Program outcomes will be achieved by conducting the program activities in Table 4. These activities are explained in further detail in the next section.

Table 2: Short-term, intermediate, and long-term objectives

Goal	Short-term objective (1-3 years)	Intermediate objective (4-5 years)	Long-term objective (6-10 years)
<i>Prevent premature failures and prolong the life of septic systems by normalizing regular inspections.</i>	<p>By the end of 2025:</p> <ul style="list-style-type: none"> increase inspection compliance from 30% to 50% by: <ul style="list-style-type: none"> providing homeowner outreach implementing a robust rebate program for low-income homeowners offering free do-it-yourself (DIY) inspection certification 	<p>By the end of 2027:</p> <ul style="list-style-type: none"> increase inspection compliance from 50% to 75% by: <ul style="list-style-type: none"> providing homeowner outreach and inspection rebates building DIY inspection capacity *Increase home sale compliance to 75% through realtor and homeowner outreach 	<p>By the end of 2032:</p> <ul style="list-style-type: none"> Increase inspection compliance will increase to 90% by: <ul style="list-style-type: none"> providing outreach and inspection rebates building DIY inspection capacity *Decrease premature failures from 50% to 5% of all failures

*CEEH will collect baseline data for percent of home sales compliant and percent of premature failures during year 1 activities.

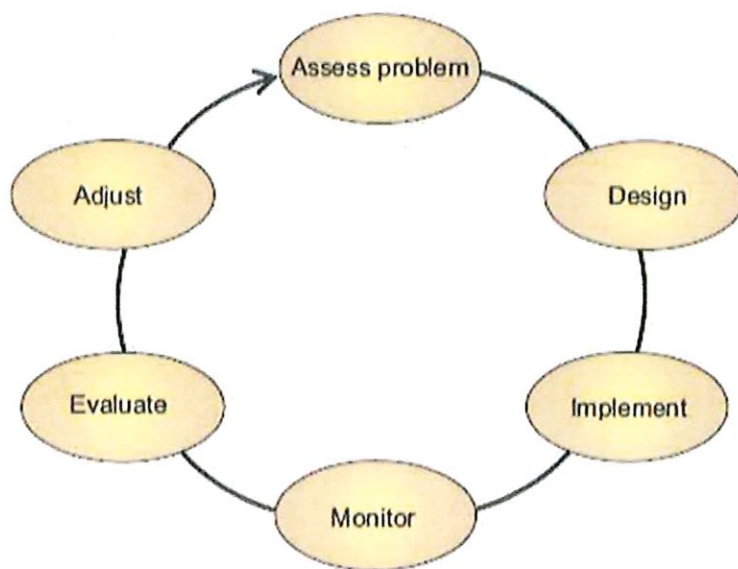
Table 3: Program Overview

Objective	Activities	Outcome	Timeframe (year)	Cost (\$)/year
Normalize inspection compliance required by Chapter 246-272A WAC and Clallam County Code 41.20.170	Prioritize and target non-compliant properties about regulations using septic inspection compliance letter writing workflow	Increase awareness of inspection requirement and benefits, and increase compliance rates, reduce preventable failures	Ongoing	77,980
	Implement outreach plan using multiple modalities (direct mail, radio and print advertising, public events, in-person training, social media)		Ongoing	
	Educate realtors and new homeowners about pre-sale inspection requirement and OSS maintenance requirements and benefits	75% of home sales will be compliant with inspections at point-of-sale	1-3	
	Provide technical assistance to OSS owners and industry*	Increase and ensure accuracy of inspections conducted by providers and DIY inspectors	3-10	
Reduce financial burden and barriers to compliance	Provide rebate program for low-income homeowners	Increase compliance rate and develop homeowner capacity to conduct maintenance	ongoing	50,150
	Conduct in-person training for DIY inspection certification	Increase capacity of homeowners to conduct their own inspections and reduce financial burden		
Maintain database	Maintain records	Provide accessible data to providers, homeowners, realtors, etc.	ongoing	55,750
	Quality Assurance(QA)/Quality Control(QC)	Assure accuracy and accessibility of database functions	ongoing	
	Assist IT with database changes	New database supports program needs	1-3	
Improve water quality	Monitor water quality and investigate potential OSS sources in sensitive areas	Increased recreational and commercial harvestable shellfish acreage	3-5	60,800
		Decreased exposure to public in recreational waters	ongoing	
	Conduct assessment sensitive areas defined in Clallam County's OSS Management Plan	Determine where water quality monitoring and investigation efforts should be	1-3	
Program Evaluation	Systematically collect information about the activities and outcomes	Improve program effectiveness and inform decisions about the future program activities	3, 5, and 10 years	\$7,000
Make judgements about program efficacy				
			Annual Cost:	\$251,680
			10 year cost:	\$2,516,800

*Separate objective in tables below

This program will follow the adaptive management framework. This systematic approach will allow CCEH to improve resource management as it learns from successive evaluation outcomes. This framework guides CCEH in learning and adapting to support those affected by this initiative. As program efficacy becomes measurable, CCEH can explore alternate ways to meet program outcomes and better utilize program resources to improve program effectiveness (Williams & Brown, 2012). Figure 2 is a diagram of the adaptive management process.

Figure 2: Diagram of Adaptive Management Process (Williams & Brown, 2012)



Program Activities

Specific program activities support program objectives with the goal of achieving the outcomes described in Table 3 above. The first year of the program will involve further scoping and developing specific activities. Table 4 provides a concise look at each specific activity as it relates to the objective, the timeframe in which it should be completed, and the staff member responsible for managing the activity. Some program activities are described in more detail below for clarity.

Table 4: Specific Program Activities, Timeframe, and Staff

Objective	Program Activities	Specific Activities	Timeframe	Responsible Staff
Normalize inspection compliance required by Chapter 246-272A WAC and Clallam County Code 41.20.170	Prioritize and target non-compliant properties about regulations using septic inspection compliance (SIC) letter writing workflow (Appendix A)	Prioritize non-compliant properties by proximity to sensitive areas; rank order of sensitive areas by risk and impacts to public health	Ongoing	All
		Track SOM cases for inspection compliance in database		Database Specialist
		Follow SEPTIC INSPECTION COMPLIANCE Enforcement Workflow for letter writing timeline (I:\eh\ONSITE\INSPECTION COMPLIANCE\Enforcement workflows\timelines\OSS SEPTIC INSPECTION COMPLIANCE enforcement workflow Mar 2021.pdf)*		O&M Specialist
		Track voluntary compliance after starting timeline		O&M Specialist
	Implement program marketing plan using multiple modalities	Conduct market analyses and/or research other local program's marketing plans; make determination of effective strategies and adjust plan as needed*	1	O&M Specialist
		Send annual postcards to all OSS homeowners to promote OSS awareness and education*	1, as needed after analysis	O&M Specialist
		Research, write, and record content for KONP radio ads as needed; select package*	1, as needed after analysis	O&M and Admin Specialists
		Develop print advertising content for Sound Publishing publications 3-5* times/year	1, as needed after analysis	O&M Specialist

Objective	Program Activities	Specific Activities	Timeframe	Responsible Staff
	Conduct targeted outreach to inform public and industry about regulations and maintenance benefits. Educate realtors and new homeowners about pre-sale inspection requirement and OSS maintenance requirements and benefits	Re-develop comprehensive website*	1	O&M and Database Specialists
		Develop and disseminate realtor education packets*	1, ongoing	O&M and Admin Specialists
		Conduct semiannual trainings at realtor and meetings*	Annually	O&M and Admin Specialists
		Develop and disseminate new homeowner education packet*	1, ongoing	O&M and Admin Specialists
		Verify inspections at point-of-sale	ongoing	Database and Admin Specialists
Reduce financial burden and barriers to compliance	Provide rebate program for homeowners	Develop rebate protocol and mechanism to pay providers directly	1	O&M and Admin Specialists
		Target inspection compliance for 100% reimbursement at eligible low-income homeowners*	1-3	O&M and Admin Specialists
		Reimburse eligible low-income homeowners 100% and homeowners \$50	4-10	O&M and Admin Specialists
	Conduct in-person training for DIY inspection certification	Evaluate training program and apply adaptive management framework to increase homeowner utilization; develop recertification process and materials	1	O&M and Admin Specialists
		Hold classes in all areas of the County where interest is measured*	ongoing	O&M Specialist
		Develop recertification exam and inform DIY homeowners when it is time to recertify*		O&M Specialist
Maintain database	Data entry	Record inspection reports	ongoing	Database and Admin Specialists
		Upload O&M agreements		
		Record and track complaints		
		Query and provide records/data as requested		
	Quality Assurance(QA)/Quality Control(QC)	Resolve issues; ensure functionality and accuracy	ongoing	Database Specialist
	Assist IT with database changes	Assist IT with incorporating program needs and functions into database	1-3	

Objective	Program Activities	Specific Activities	Timeframe	Responsible Staff
Improve and protect water quality	Monitor water quality and investigate potential OSS sources	Assess sensitive areas defined in Clallam County's OSS Management Plan for fecal coliform or E.coli	1-3	Water Quality Specialist and Streamkeepers
		Develop and implement groundwater nitrate study	3-4	
		Conduct dye-testing to confirm failing OSS	ongoing	
		Conduct quarterly water quality monitoring countywide at highest priority	4-10	
Provide technical assistance to OSS owners and industry	Audits	Train staff	1	O&M Specialist
		Create audit rubric and generate educational materials	1	O&M Specialist
		Develop criteria to identifying systems needing audits		
		Prioritize parcels and select DIY homeowners and providers to conduct audits with;	2-10	O&M Specialist
	Provider Outreach	Host semiannual training or meeting	Annually	O&M Specialist
Program Evaluation	Track performance Indicators	Establish tracking system for selected performance indicators and collect baseline data for each	1	All
		Gather metrics for performance indicators using evaluation rubric's guidelines (below)	3,5,10	
		Report findings and recommendations of evaluation to relevant stakeholders*		
	Apply adaptive management framework as needed	Define activities not meeting expected performance measures		
		Adjust program activities to enhance program efficacy		

*Outreach activity

Outreach

CCEH will continue conducting outreach in ways it traditionally has until the marketing analysis described below is complete. Currently, CCEH advertises using print ads, radio ads, social media posts, and presents at local meetings and local events as opportunities arise. In-person classes are conducted for homeowner DIY certification classes, but participation has been low in recent years. Provider and realtor trainings have been limited but will become regular upon implementation of this program. In the past, CCEH used to conduct trainings to younger residents, or potential future OSS owners and stewards of the environment, and should resume these trainings if resources allow.

Content

CCEH will develop new content only when pre-existing content approved for use is not available or when County-specific information is required. CCEH's network drive currently contains a significant amount of content that can be revised for use.

Additional content for preapproved for use:

- [Poop Smart Campaign](#) (DuBose, Poop Smart, 2021)
- [EPA outreach toolkit](#) (United States Environmental Protection Agency, 2021)

Marketing Analysis

CCEH will utilize marketing analysis completed for similar programming to assist in the analysis of its marketing plan to understand its reach and effectiveness. Activities listed in this section in Table 4 are part of the current marketing strategy and may be modified or eliminated after the analysis. New strategies may be added.

Realtor Training

Realtor packets should be compiled and distributed in year one and on an ongoing basis as needed. Semi-annual meetings should be scheduled with realtors to aid in their training about OSS care and point-of-sale requirements. Continuing education units for realtors to attend these meetings will be explored.

Audits

Audits serve to ensure accuracy of inspections by both providers and DIY certified homeowners. The audit program should be developed first using other counties programs. Development of this program will begin in year 1 and will be implemented in year 2. The O&M Specialist should receive proper training prior to implementation.

Water Quality Monitoring

The OSS Management Plan recommends conducting water quality monitoring to collect essential surface and ground water quality data in areas where OSS are utilized for wastewater treatment. This

will aid in identifying failures early while they have minimal impacts. Analysis will include fecal coliform, *Escherichia coli* (*E.coli*), or nitrates.

During years 1-3 of this program, all sensitive areas defined in the OSS Management Plan, or areas where OSS may pose an increased threat to public health, will be assessed for water quality per the plan's recommendations. These areas will be prioritized in order of prevailing risk to human and/or environmental health and include:

- Lake Sutherland (and its drainages)
- Lake Pleasant
- Lake Crescent (located in Olympic National Park, no jurisdiction)
- Lake Ozette (located in Olympic National Park, no jurisdiction)
- Lake Dawn
- The Carlsborg area
- Critical aquifer recharge areas (CARAs)
- Frequently flooded areas
- Commercial and recreational shellfish growing areas (already occurring in Clean Water District)
- The Sequim Bay-Dungeness Watershed Clean Water District (already occurring)

At the time of writing, water quality monitoring is already occurring in the Sequim Dungeness Watershed Clean Water District and its shellfish growing areas. This work is grant funded at least through 2022 and ideally through 2025. By 2025, Clallam can expect to be less competitive for grant funding in this area. During the program's 4th year, the Baseline Trends Monitoring program and investigations in this area related to OSS should be absorbed into this program. Prior to absorbing the Baseline Trends program, CCEH and Streamkeepers (SK) should analyze Tier 1 stream data and consider upgrading some streams to a Tier 2 status. See the Pollution Identification & Correction plan for the Sequim Bay-Dungeness Watershed Clean Water District (PIC Plan) (Clallam Conservation District, 2014).

The OSS Management Plan allows for identification of new sensitive areas by providing data that OSS is posing increased risk to public health (Sound Resolutions, 2007).

E.coli versus Fecal Coliform Analysis

Chapter 173-201A -200(2) WAC requires *E. coli* analyses in recreational waters. Non-recreational surface waters, such as the waterbodies of the Lower Dungeness, will be analyzed for fecal coliform because this criteria is used to protect shellfish harvesting, as described in Chapter 173-201A-210(2) WAC, and is less expensive than *E. coli* analysis (Washington State Legislature, 2019).

Nitrates

The OSS Management Plan also discusses a nitrate study to determine nitrogen reduction effectiveness. Drinking water with high levels of nitrates can be dangerous to human health, especially for infants and pregnant women. It may be successfully removed using treatment processes such as ion exchange, distillation, and reverse osmosis (United States Environmental Protection Agency, 2015). Many Clallam

County residents utilizing wells for drinking water but are not on a public system do not have access to this type of treatment and are not required to test.

The OSS Management Plan states: "Repeat sampling of area wells suggests that nitrate concentrations have increased in the region's ground water since 1980 ... Current land use activities may lead to increased groundwater nitrate concentrations: land use changes in the east end of the county from rural farms and pasture to suburban residences with septic systems may yield higher nitrate contributions" (Sound Resolutions, 2007). CCEH will design and conduct a study to monitor groundwater nitrates in years 3-4.

Streamkeepers Program

SK is a citizen-based watershed-monitoring program of Clallam County's Department of Community Development. It provides volunteer opportunities and project assistance in the effort to protect and restore our local watersheds. CCEH and SK have traditionally collaborated on the PIC Project and will continue to collaborate in a similar and meaningful way. This program provides \$5,000 annually to the SK program to support the collaboration between CCEH and SK and for the use of equipment and volunteers. SK will also manage the data for public consumption and provide high-level data analyses as needed for data sharing. The SK volunteers and Coordinator will assist as needed with water quality monitoring countywide.

Rebate Program

The annual budget for the rebate program is \$15,000. Surplus O&M program revenue will be absorbed into this element of the program. All applicants must obtain certification as a do-it-yourself (DIY) inspector to qualify for a rebate, except for those with proprietary systems ineligible for the DIY inspector program. Requiring homeowners to complete the DIY certification to receive these funds will help build homeowner capacity, especially for those whose inspections pose a significant financial burden. Funds will be dispersed on a first-come, first-serve basis. In year 1, CCEH will need to adapt the protocol to reflect changes implemented with this fee-funded program.

During years 1-3, rebates will be prioritized for low-income homeowners with a 100% payout for the cost of the inspection or locate. CCEH needs to develop a mechanism to pay the providers directly in year 1. At the time of writing, the rebate protocol requires the homeowner to pay up front and submit an application for reimbursement. A direct payment to the provider will expand the reach of the rebate program by making it accessible to all low-income homeowners seeking to utilize it.

Beginning in year 4, all OSS homeowners are eligible to apply for a rebate as funds become available for this "repayment program." Homeowners not declaring financial hardship are eligible to receive one \$50 rebate in the 10 year period, unless their system is ineligible for DIY inspections. This will decrease the total annual fee assessed over 10 years to each OSS owner by 38%.

Table 5 outlines spending for the program and how the number of DIY inspectors certified over the course of 10 years. This rebate program leading to DIY Inspector certification has the potential to account for almost 10% of inspections countywide.

Table 5: Rebate Program Spending and DIY certifications

	Years 1-3	Years 4-5	Years 6-10	OTAL over 10 year	Total inspections*
Financial Hardship	\$15,000	\$7,500	\$2,500	\$72,500	414
Homeowner repayment	N/A	\$7,500	\$12,500	\$77,500	1550
Total	\$45,000	\$30,000	\$75,000	\$150,000	1964
# of DIY inspectors	257	386	1586	1964	

* Price of Inspection averaged with 30 invoices from 2019-2021 rebate round = \$175

Program Budget

The program-spending plan includes all activities, required technology, and personnel time to perform activities. Table 6 provides an overview of the spending plan, and Table 7 highlights how each objective's activities will utilize the funds. Surplus revenue will be absorbed into the rebate program after annual pay rate increases and program adjustments have been applied.

Table 6: Annual Program Budget

O&M Program Proposed Annual Budget					
Theme	Item	Line	Cost	Qty.	Total
Outreach/Ed.	Room Rental (classes)	56254.45.0010	\$100	10	\$1,000
	Event Booth	56254.45.0010	\$500	2	\$1,000
	Radio Ads (monthly)	56254.41.4410	\$425	12	\$5,100
	Newspaper Ads (monthly)	56254.41.4410	\$3,000	1	\$3,000
	Direct Mailing	56254.41.0020	\$4,000	1	\$4,000
	Postage	56254.42.0020	\$6,000	1	\$6,000
	Poster/Banner/Printing	56254.49.0030	\$500	1	\$500
	Banner Space	56254.41.0020	\$330	1	\$330
	Incentives	56254.45.0010	\$150	100	\$15,000
	Supplies/Materials	56254.31.0020	\$500	1	\$500
	Travel (meetings and training)	56254.43.0020	\$1,500	4	\$6,000
Inter-Departmental	Streamkeepers	56260.41.5140	\$5,000	1	\$5,000
	IT assistance	56254.41.0020	\$5,000	1	\$5,000
Other	Water Lab	56252	30-35	400	\$12,500
	Dye Testing	56254.41.0020	\$1,000	1	\$1,000
	Abatement		\$2,000	1	\$2,000
Staffing	GIS Tech. (0.5 FTE)	56254.10.0010	\$30,000	1	\$30,000
	Admin. Specialist (0.5 FTE)	56254.10.0010	\$30,000	1	\$30,000
	O&M EH Specialist (1 FTE)	56254.10.0010	\$50,000	1	\$50,000
	WQ EH Specialist (0.40 FTE)	56254.10.0010	\$20,000	1	\$20,000
Benefits	Benefits @ 40%	56254.20.0020	\$52,000	1	\$52,000
Total Annual O&M Expenses					\$249,930
Projected annual revenue:					\$260,000
Annual Variance:					\$10,070
10-year expenses:					\$2,499,300
Projected 10-year revenue:					\$2,600,000
10-year variance:					\$100,700

Table 7: Budget Breakdown by Objective

	Normalize and Increase Inspection compliance: Target non-compliant properties about regulations; Implement outreach plan; Target realtors about pre-sale Inspection requirement and provide new homeowner education packets; provide technical assistance and training (providers separate objective in other program tables	Database Management: QA/QC; Maintain records; Query and provide data/records as requested; Assist IT with database changes	Improve water quality: Assess sensitive areas; monitor water quality; data entry and reporting; OSS investigations	Reduce financial burden and barriers to compliance: promote rebate program, process rebate applications, promote and provide DIY certification training	Program Evaluation: Systematically collect data for performance measurements; Make judgements about program efficacy	Totals
Personnel:						130,000
EHS: O&M	23,750		12,500	12,500	12,500	50,000
EHS: WO			18,750		12,500	20,000
Admin	\$8,750	\$10,000		\$10,000	\$1,250	30,000
Tech		\$28,500			\$1,500	30,000
Fringe Benefits	\$13,000	\$15,400	\$12,500	\$9,000	\$2,100	52,000
Training:						6,000
Travel	\$1,000					0
Registration	\$5,000					0
Equipment						0
Supplies	\$50		\$300	\$150		500
Contractual						18,100
Newspaper ads	\$3,000					
Radio ads	\$5,100					
Mailing service	\$4,000					
Postage	\$6,000					
Other						43,330
Event Booths	\$1,000					
Banners	\$800					
Rebates				\$15,000		
Room rental	\$1,000					
CCEH Lab			\$12,500			
IT		\$5,000				
Streamkeepers			\$5,000			
Dye Testing			\$1,000			
Abatement	\$2,000					
Total	\$74,480	\$58,900	\$62,550	\$46,650	\$7,350	249,930

Evaluation of Performance Measures

In year 1, CCEH will devise a tracking system for all performance measures and collect baseline data in which the program's effectiveness will be measured against. CCEH will conduct evaluations at years 3, 5, and 10 to determine program efficacy and will utilize the adaptive management framework to modify program activities to support program outcomes.

Program success will be measured by tracking changes for the following objectives as they relate to the program outcomes. This data will be compared to baseline data compiled in year 1. At the time of writing, an evaluation rubric has been drafted but not completed. This rubric can be found in CCEH's drive at <K:\Interdepartmental\HHS Env. Health\EH Grants-Active\OSS - NEP OSS NTA 0152 2019-2021\Task3EnhanceProgramInMRA-OSS\3.7 SustainableFunding\Stable funding Program Development\OSS O&M Program Evaluation Rubric.docx> and in Appendix B.

Objective	Quantitative Data	Qualitative Data
Normalize inspection compliance	Difference in: inspection compliance rate; number of unknown systems; failures found and repaired; failures prevented; website hits, social media responses, etc.	Records and analysis of public and provider response; homeowner experience
Reduce financial burden and barriers to compliance	Number of applications received, number of rebates issued, number of low-income homeowner inspections completed; difference in certified DIY homeowners; improved DIY retention rate; number of DIY reports submitted; audit reports; number of Craft3 and USDA loans provided; number of cost-share funded repairs	Homeowner and provider experiences; public response; audits narrative
Maintain Database	Residents and providers using database; accuracy of reports; number of imported records; provider and public survey for ease of use	Database transfer success; public and provider response for ease of use
Water quality improvement/impairment prevention	Water quality data; number of septic concerns identified and addressed; decrease in pollution related closures of commercial and recreational waters; decrease in complaints	Public response
Program Evaluation	Evaluation scorecards	Homeowner experience

Homeowner Assistance for Failing Systems

Once a system has failed, it moves from the O&M section of the O&M Program to the Permitting Section of CCEH's General Onsite Septic Program. The permitting section provides technical assistance to homeowners to aid in minimizing exposure to pathogens as the system awaits repair. County Code requires systems be repaired within 30 days, however, those seeking assistance for the cost of the repair may take 2-3 months.

There are a variety of assistance programs homeowners can utilize to repair a failing system. These programs are described below.

Craft3: Water Quality Loan Program

The following information was gleaned from a phone conversation with Jena Ross phone call on 6/7/21.

Craft3 is a regional organization that provides low-interest loans to qualifying homeowners for OSS repairs. Loans have a 15-year repayment period. Some low-income households may qualify for deferred payment loans, but most will be making some kind of payment. Craft3 has the discretion to extend the loan period for an additional 5 years. Many homeowners sell the property before the 20-year mark.

CCEH receives pipeline reports each month from Craft3's Clean Water Program Manager. These provide application details for denied applications, approved and withdrawn applications, and loans that are in progress or closed/partially funded. From July 2016 through November 2020, Craft3 received 89 applications for Clallam County OSS repairs projects. Of these applications, 48 closed, 23 were approved but withdrawn, and 18 were declined.

Craft3 calculates the amount of clean water treated for all closed loans based on the number of rooms per home per year. From 2016-2020, Craft3 loans supported the treatment of 5,472,000 gallons of wastewater.

Upon closing the loan, Craft3 adds \$2,000 "O&M Fund" the homeowner can utilize for future inspections and maintenance. The fund typically lasts 5-7 years. Homeowners are not required to use this money, and they do not pay interest or repay it if left unused.

Craft3 must adhere to consumer lending laws. Underwriting declines applications for multiple reasons:

- Income to debt ratio too high
 - Banks use ~50% of income, but Craft3 uses 60% (sometimes higher)
- Delinquent property taxes
 - Must be current
- Title issues
 - Owner must be loan applicant
- Delinquent on mortgage
 - Must be current
- Federal tax liens

- Automatic decline
- Credit score
 - 590 is lower limit accepted without special approval
- Bankruptcy
 - Must be discharged 13 or more months prior to application
- Ineligible project measures
 - Dwelling must be on land; RV or new construction ineligible

Clallam Conservation District: OSS Cost-Share Program

The Clallam Conservation District OSS Cost-Share Program defrays homeowner costs for repairing or replacing failing OSS that are affecting water quality. The program is implemented in partnership with CCEH. CCEH refers homeowners in need of financial assistance to repair or replace failing OSS to the Conservation District. Cost-share assistance is contingent upon available grant funding.

Any homeowner living in a current PIC focus area that has resided in their home for at least 12 months is eligible for financial assistance. Homeowners outside a current PIC focus area but within the Clallam County Marine Recovery Area (MRA) are eligible if denied a loan for repair of their septic system. Applicants must have an expressed financial need. If the homeowner qualifies for funding through the Conservation District, they can apply for a Craft3 loan to cover the 25% in installation costs they are required to pay through the cost-share program.

Financial assistance through the OSS Cost-Share Program covers a percentage up to 75% of the cost of repairing or replacing a failing system. The program also covers the cost of County permits and system design, including soils evaluation. All eligible costs are paid on a reimbursable basis (Clallam Conservation District, 2021).

USDA Loans

USDA Water & Waste Disposal Loan & Grant Program provides funding for clean and reliable drinking water systems, sanitary sewage disposal, sanitary solid waste disposal, and storm water drainage to households and businesses in eligible rural areas. The program assists qualified applicants who are not otherwise able to obtain commercial credit on reasonable terms. The loans are long-term, low-interest loans and a grant may be combined with a loan if necessary to keep user costs reasonable if funding is available (United States Department of Agriculture, 2019). To date, few Clallam County homeowners needing OSS repairs have acquired USDA loans.

Other

CCEH, along with local partners, will explore additional funding routes in year 1 for those needing assistance with their repairs. Specifically, it is critical to find assistance for homeowners outside the Lower Dungeness Watershed that do not currently have funding options outside of Craft3 and USDA loans.

Program Limitations

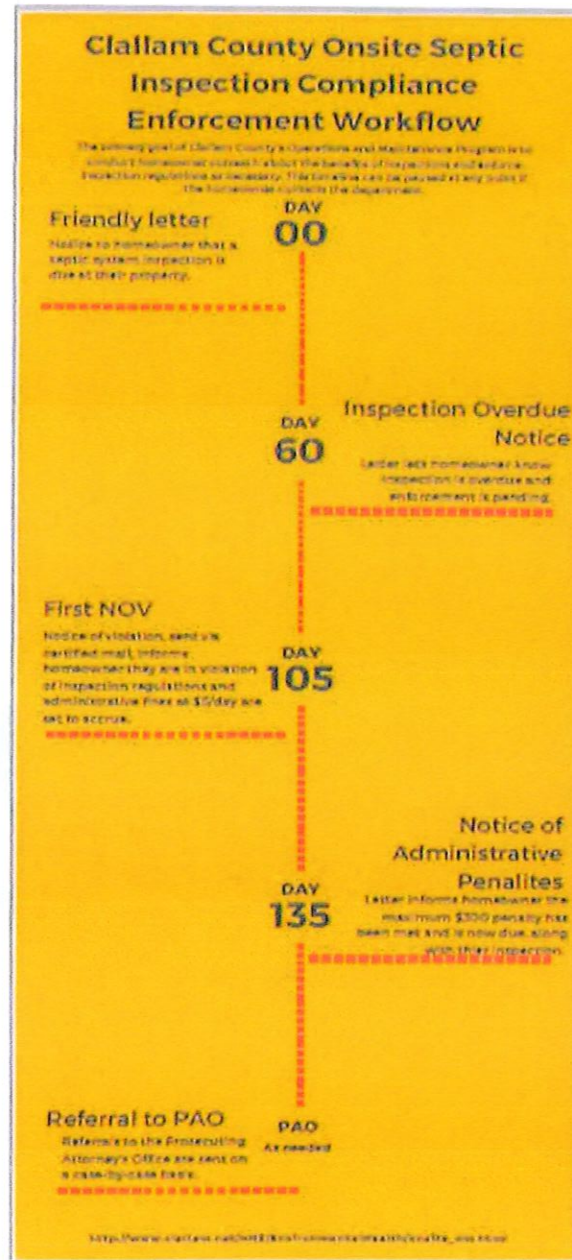
Limitation	Mechanism for Overcoming Limitation
O&M providers currently licensed may not be adequate to conduct inspections	Discuss how to promote and train future industry providers with providers
Reach to low-income homeowners	Conduct marketing analysis Reasonable enforcement and reduce fines/fees to reasonable amounts with voluntary compliance Encourage industry to reach out to homeowners regarding septic inspection compliance
Achieving 100% of compliance at point-of-sale	Provide outreach to homeowners through website and Chamber of Commerce about the requirements/benefits of being compliance Provide new homeowner packet on Chamber of Commerce website (available pre-sale) Provide outreach to local realtors education
Increasing buy-in from residents with "septics are free" mindset	They may: <ul style="list-style-type: none"> ▪ Getting inspection and realizing it prevented a failure ▪ Experience a failure ▪ Experience enforcement
Accuracy of DIY and Provider Inspections	Address accuracy and provide technical assistance through audits
Funding all failures is not possible	Fully implement program now while Clallam Conservation District has grant for funding failures through cost share program in MRA Explore other funding for assistance outside of MRA Explore long-term, stable funding source for repair assistance

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Appendix A: Inspection Compliance Workflow



(File path to document in CCEH files: J:\eh\ONSITE\INSPECTION COMPLIANCE\Enforcement workflows_timelines\OSS SIC enforcement workflow Mar 2021.pdf)

Appendix B: DRAFT Evaluation Rubric

Clallam County Environmental Health Onsite Sewage Operations and Maintenance Program Project Evaluation Rubric

Period of evaluation:

Completed by:

Project Activities/Strategies	Expected Outcomes	Data Collection Plan
Prioritize and target non-compliant properties about regulations using septic inspection compliance letter writing workflow	Increase awareness of inspection requirement and benefits, and increase compliance rates, reduce preventable failures	Track inspection reports in database
Implement outreach plan using multiple modalities (direct mail, radio and print advertising, public events, in-person training, social media)		Gauge understanding through public outreach at events, EH desk, etc. and meet with providers semi-annually
Educate realtors and new homeowners about pre-sale inspection requirement and OSS maintenance requirements and benefits	75% of home sales will be compliant with inspections at point-of-sale	Track number of homes compliant at point of sale
Provide technical assistance to OSS owners and industry	Increase and ensure accuracy of inspections conducted by providers and DIY inspectors	Track inspection audit scores and narratives
Provide rebate program for low-income homeowners	Increase compliance rate and develop homeowner capacity to conduct maintenance	Track number of low-income homeowners using program; Track change in inspection compliance; track DIY reports; inspection audit scores and narratives
Conduct in-person training for DIY inspection certification*	Increase capacity of homeowners to conduct their own inspections and reduce financial burden	
Maintain records	Provide accessible data to providers, homeowners, realtors, etc.	
Quality Assurance(QA)/Quality Control(QC)	Assure accuracy and accessibility of database functions	
Assist IT with database changes	New database supports program needs	
Monitor water quality and investigate potential OSS sources in sensitive areas	Increased recreational and commercial harvestable shellfish acreage Decreased exposure to public in recreational waters	
Conduct assessment sensitive areas defined in Clallam County's OSS Management Plan	Determine where water quality monitoring and investigation efforts should be	
Systematically collect information about the activities and outcomes	Improve program effectiveness and inform decisions about the future program activities	
Make judgements about program efficacy		

Project Outcomes	Data collected from data plan	Program Results (specific results for the stated outcome)
Increase awareness of inspection requirement and benefits, and increase compliance rates, reduce preventable failures	Quantitative data: septic inspection compliance rate, failure prevention tracked on inspection report; number of unknown systems ruled out or identified, number of unknown systems remaining	
	Qualitative data: Public response; provider narratives	
75% of home sales will be compliant with inspections at point-of-sale	Quantitative data: Number of homes compliant at point of sale	
Increase and ensure accuracy of inspections conducted by providers and DIY inspectors	Quantitative data: Change in DIY certified homeowner; Increase in recertified homeowners; # of DIY reports submitted; Inspection audits scores	
	Qualitative data: Inspection audits narrative	
Increase compliance rate and develop homeowner capacity to conduct maintenance;	Quantitative data: septic inspection compliance rate, failure prevention tracked on inspection report; Change in DIY certified homeowner; Increase in recertified homeowners; Inspection audit scores	
Increase capacity of homeowners to conduct their own inspections and reduce financial burden	Quantitative data: Change in DIY certified homeowner; Increase in recertified homeowners; # of DIY reports submitted; inspection audits scores	
	Qualitative data: Inspection audits narrative	
Provide accessible data to providers, homeowners, realtors, and public; Assure accuracy and accessibility of	Quantitative: number of improved database functions; Number of homes compliant at point of sale, number of reports electronically uploaded	

EXHIBIT C

PUBLIC NOTICE

PUBLIC NOTICE

NOTICE IS HEREBY given that Clallam County Board of Health has called for a Public Hearing to begin at 1:30pm on Tuesday, August 17, 2021 in Commissioner's Meeting Room 160 at the Clallam County Courthouse. The purpose of the Public Hearing is to consider amending Clallam County Code, Chapter 41.20, On-Site Sewage System, and Chapter 41.50, Fees. The Board of Health is considering amendments required for implementing a county wide on-site septic system, and operations maintenance program funding structure. All proposed ordinances are available on the Clallam County website <http://www.clallam.net/HHS/>

Comments for or against this proposed ordinance are encouraged. Interested persons must either submit their written comments before the hearing is commenced (see Proponents' address below) or present written and/or oral comments in person during the public hearing. In compliance with the Americans with Disabilities Act (ADA), appropriate aids and for reasonable accommodations will be made available upon request. Requests must be received at least seven (7) days prior to the hearing - see "Proponent" below. The facility is considered "barrier free" and accessible to those with physical disabilities.

PROONENT: Clallam County Board of Health
111 E 3rd Street
Port Angeles, WA 98362
Phone: 360-417-2347
E-Mail: envirohealth@co.clallam.wa.us
PDN: August 8, 15, 2021
Legal No. 934711

Classified Proof

Client PDN4136989 - CL CO HEALTH & HUMAN SRV-LEGALS
Address 111 East 3rd Street
PORT ANGELES, WA, 98162

Phone (360) 417-2293
E-Mail clthompson@co.clallam.wa.us
Fax (360) 417-2583

Order#	934711	Requested By	CELIA THOMPSON	Order Price	\$190.30
Classification	9911 - Clallam County Legals	PO #	HEARING 8/17/21	Tax 1	\$0.00
Start Date	08/08/2021	Created By	1209	Tax 2	\$0.00
End Date	08/15/2021	Creation Date	08/02/2021, 04:37:21 pm	Total Net	\$190.30
Run Dates	2			Payment	\$0.00
Publication(s)	Peninsula Daily News				

Sales Rep 1209 - Clenard, Linda

Phone (360) 683-3311
E-Mail lclenard@sequimgazette.com
Fax

EXHIBIT D
PUBLIC COMMENTS
ED CHADD

Thompson, Celia

From: edchadd@olympen.com
Sent: Thursday, August 12, 2021 8:45 AM
To: Thompson, Celia
Cc: Green, Joel; 'Robbie Mantooth'
Subject: Comments related to Aug. 17 public hearing about OSS manual

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

I fully support the comments below, supported by my 20 years of service to the people and ecosystems of Clallam County running the Streamkeepers program. Many streams in Clallam county have not seen regular sampling for fecal bacteria for many years. We can't know if problems are emerging unless we monitor for them, and it is not acceptable to deal with problems by blinding ourselves to them. Also, it is way past time to adopt fees for owners of septic systems to assure that these systems do not harm our public resources.

Ed Chadd, retired Clallam County employee, Port Angeles

To: Clerk, Clallam County Board of Health (cthompson@clallam.co.wa.us)
Although we sent comments previously, and spoke during the July public comment opportunity, we want to provide some additional emphasis as well as an indication of how we are trying to follow up.

Most important is to endorse the work of Clallam County Environmental Health and the Board of Health for their outstanding efforts to base the proposals on input from stakeholders and for the support the Board has provided after many hours of questions, discussions and suggestions. It is way past time for the County to adopt fees to fund outreach, education and assistance with repair and replacement as needed.

Beyond this "bottom line," Friends of Ennis Creek and others who care about our last best chance for a salmon stream in Port Angeles have concerns about the program's failure to include any urban streams among those to get priority attention – within the first three years of the plan. But we hope to deal with this omission by making arrangements for collecting data about E. coli, fecal coliform and whatever other problems might be affecting Ennis Creek's water quality before the stream reaches the heavily contaminated former Rayonier mill site. We have spent many hours trying to determine how to proceed.

Information we still are seeking includes:

- From the State Department of Ecology about what should be tested so all the needed information can be obtained without any needless expense.
- From Clallam County Streamkeepers about possibilities for expanding existing contracts with the City for doing testing.
- From the City of Port Angeles and Clallam County about possibilities for their collaboration in designated urban growth areas so water quality objectives can be achieved in the most cost-effective ways, especially when county residents might tie into City sewer lines and use sewage treatment services as better long-term solutions than repairing or replacing offsite septic systems.

We look forward to working with the Environmental Health Department to make sure our efforts will be most helpful as we continue to try to help our public officials with making sure taxpayers' resources are used as effectively as possible for the health of people, wildlife and potential economic development opportunities.

In our opinion, continuing to expose the salmon, steelhead and other fish of Ennis Creek to pollutants that may be coming from leaking septic systems – even for three more years – is not fair to the fish or people. We can't know if some systems

are causing contamination without testing. But research on the County website showing only one of about a dozen systems in compliance concerns us greatly.

With continuing gratitude and best wishes,
Robbie and Jim Mantooth, co-founders, Friends of Ennis Creek
2238 E. Lindberg Road
Port Angeles, WA 98362
360-808-3139
ennis@olympen.com

EXHIBIT D

PUBLIC COMMENTS

TIMOTHY WELLER

Thompson, Celia

From: Timothy Weller <tweller1947@outlook.com>
Sent: Monday, August 09, 2021 9:49 AM
To: Thompson, Celia; Ozias, Mark; Peach, Bill
Subject: Proposed OSS Fee

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

I am writing to OPPOSE any new fees forced on Clallam County OSS owners. Friends of Ennis Creek are championing "Speak up for the Salmon", an out of context agenda. Friends of Ennis Creek is a non-profit organization, and is lobbying County Government to assess a fee which provides for their agenda, and penalizes Owners of OSS that are currently in compliance with County Regulations. It is clear that this is just another avenue to receiving grants and grant funding to pay for Clallam County OSS upgrades, repairs and replacement of failed or failing systems, of which owners are awaiting social assistance from "Government", at the expense of those of us who are responsible OSS and Water Well Owners. In essence, the County HSS/BOH wants to charge me to inspect my own system; and for those who do not wish to comply with inspection mandates, the County(taxpayers) will pay to ensure that out of compliance OSS are compliant, to accommodate County HSS/BOH requirements. I have read the Amendment to the OSS Regulations, and it is clear that by having blank forms, a decision has already been made to approve this unnecessary fee, of whatever amount it will actually be. This is taxation without representation.

This is wrong, and serves to further enable those whose OSS are already compromised or failing; further, does nothing to rectify the problems with CCHSS/BOH, in not enforcing OSS Compliance for ALL systems in Clallam County, equally. As I stated previously, education and communication are paramount in any endeavor, and honestly, money isn't going to rectify that; Leadership has the means, or should. I have addressed this issue in 2018, and have not been apprised of new developments, and would appreciate being in the loop, as requested. I look forward to your reply.

Sincerely,
Timothy J. Weller, et al.

Sent from Mail for Windows 1

EXHIBIT D

PUBLIC COMMENTS

ROBBIE MANTOOTH

Thompson, Celia

From: Robbie Mantooth <ennis@olympen.com>
Sent: Tuesday, August 10, 2021 8:55 AM
To: Thompson, Celia
Subject: FW: Comments to Board of Health about Aug. 17 public hearing re OSS

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

cthompson@co.clallam.wa.us

Sent from Mail for Windows 10

From: Robbie Mantooth
Sent: Tuesday, August 10, 2021 8:51 AM
To: cthompson@clallam.co.wa.us
Cc: [Anne Baxter](#); [Nathan West](#); [Allyson Brekke](#); [Frances Charles](#); [Matt Beirne](#); [Mike McHenry](#); [North Olympic Land Trust](#)
Subject: Comments to Board of Health about Aug. 17 public hearing re OSS

Aug. 10, 2021

To: Clallam County Board of Health (cthompson@clallam.co.wa.us)

Although we sent comments previously, and spoke during the July public comment opportunity, we want to provide some additional emphasis as well as an indication of how we are trying to follow up.

Most important is to endorse the work of Clallam County Environmental Health and the Board of Health for their outstanding efforts to base the proposals on input from stakeholders and for the support the Board has provided after many hours of questions, discussions and suggestions. It is way past time for the County to adopt fees to fund outreach, education and assistance with repair and replacement as needed.

Beyond this "bottom line," Friends of Ennis Creek and others who care about our last best chance for a salmon stream in Port Angeles have concerns about the program's failure to include any urban streams among those to get priority attention – within the first three years of the plan. But we hope to deal with this omission by making arrangements for collecting data about E. coli, fecal coliform and whatever other problems might be affecting Ennis Creek's water quality before the stream reaches the heavily contaminated former Rayonier mill site. We have spent many hours trying to determine how to proceed.

Information we still are seeking includes:

- From the State Department of Ecology about what should be tested so all the needed information can be obtained without any needless expense.
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- From the City of Port Angeles and Clallam County about possibilities for their collaboration in designated urban growth areas so water quality objectives can be achieved in the most cost-effective ways, especially when county residents might tie into City sewer lines and use sewage treatment services as better long-term solutions than repairing or replacing offsite septic systems.

We look forward to working with the Environmental Health Department to make sure our efforts will be most helpful as we continue to try to help our public officials with making sure taxpayers' resources are used as effectively as possible for the health of people, wildlife and potential economic development opportunities.

In our opinion, continuing to expose the salmon, steelhead and other fish of Ennis Creek to pollutants that may be coming from leaking septic systems – even for three more years – is not fair to the fish or people. We can't know if some systems are causing contamination without testing. But research on the County website showing only one of about a dozen systems in compliance concerns us greatly.

With continuing gratitude and best wishes,
Robbie and Jim Mantooth, co-founders, Friends of Ennis Creek
2238 E. Lindberg Road
Port Angeles, WA 98362
360-808-3139
ennis@olympen.com

EXHIBIT D

PUBLIC COMMENTS

LETTER

RECEIVED

AUG 10 2021

WILLIAM COUNTY
HEALTH & HUMAN SERVICES

COVID SHOTS

Some facts about novel coronavirus vaccines are indisputable:

- They are the most rushed vaccines ever developed. They are not vaccines in the normal definition. They are actually gene manipulation by injection.
- The manufacturers have been given total immunity from liability if their experimental vaccines cause injury or death.
- The clinical trials testing the safety of these injections are not finished, meaning that every member of the public who takes one is now a human guinea pig in an ongoing medical experiment with the population of the planet.
- The Pfizer and Moderna mRNA vaccines are themselves part of an experimental class of injection that has never before been given to the public.
- These vaccines do not prevent infection or spread of SARS-COV2 and are not intended to do so. They only lessen minor symptoms.
- And there is absolutely no long-term data about these vaccines to determine what their effects may be on fertility, the potential for pathogenic priming, or any other serious adverse reaction.

Since the first COVID vaccine was rolled out in the U.S. in mid-December, at least **463,457** total adverse events, including **10,991** deaths and **48,385** serious injuries, had been reported as of July 9, 2021 to the Vaccine Adverse Event Reporting System (VAERS). A study by Harvard Medical concluded that only 1% of adverse events actually gets reported.

Reports of COVID breakthrough cases among fully vaccinated people continue to rise. As of June 28, the CDC reported **4,686** breakthrough cases resulting in death and hospitalization.

If you have children between 12 and 17, please do your own research before subjecting them to these experimental gene altering shots. Urgent.

Ask yourself, why isn't the evening news reporting this?

Should people have a choice? Or should we live under medical tyranny?

Thehighwire.com

Childrenshealthdefense.org



RECEIVED

AUG 10 2021

CLALLAM COUNTY
HEALTH & HUMAN SERVICES

**NOTICE FOR EMPLOYERS, UNIVERSITIES AND OTHER INSTITUTIONS
MANDATING COVID-19 MASKS**

Revised 6/4/21

This serves as notice that the mandate for any individual to wear a mask against COVID-19 for employment or attendance at a university or other institution violates federal law. All COVID-19 masks, whether surgical, N95 or other respirators, are authorized, not approved or licensed, by the federal government; they are Emergency Use Authorization (EUA) only. They merely "may be effective." Federal law states:

Title 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(I-III) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) states:

individuals to whom the product is administered are informed-

- (I) that the Secretary has authorized the emergency use of the product;**
- (II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and**
- (III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.**

EUA products are by definition experimental and thus require the right to refuse. Under the Nuremberg Code, the foundation of ethical medicine, no one may be coerced to participate in a medical experiment. Consent of the individual is "absolutely essential." A federal court held that even the U.S. military could not mandate EUA vaccines to soldiers. *Doe #1 v. Rumsfeld*, 297 F.Supp.2d 119 (2003).

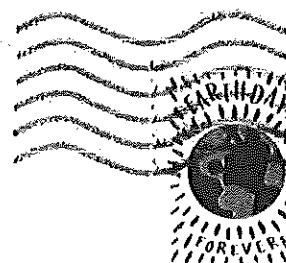
In a letter dated April 24, 2020, the Food and Drug Administration stated that authorized face masks must be labelled accurately and may not be labeled in a way that misrepresents the product's intended use as "source control to help prevent the spread of SARS-CoV-2." The letter specifies that the labeling "may not state or imply that the product is intended for antimicrobial or antiviral protection or related uses or is for use such as infection prevention or reduction." Any EUA mandate requiring individuals to wear face masks conflicts with Section 360bbb-3(e)(1)(A)(ii)(I-III), which provides that the person must be informed of the option to refuse to wear the device.

Liability for forced participation in a medical experiment, including possible injury, may be incalculable. Children's Health Defense urges U.S. employers, universities and other institutions to respect and uphold the rights of individuals to refuse to wear EUA masks.

This notice is adapted from materials at Health Freedom Defense Fund, <https://healthfreedomdefense.org/>

SEATTLE WA 980

7 AUG 2021 PM 2 L



Clallam Co Board of Health
223 E 4th St
Port Angeles WA 98362

98362-300099



RCW 42.41.030 Right to report improper governmental action—Policies and procedures.

(1) Every local government employee has the right to report to the appropriate person or persons information concerning an alleged improper governmental action.

(2) The governing body or chief administrative officer of each local government shall adopt a policy on the appropriate procedures to follow for reporting such information and shall provide information to their employees on the policy. Local governments are encouraged to consult with their employees on the policy.

(3) The policy shall describe the appropriate person or persons within the local government to whom to report information and a list of appropriate person or persons outside the local government to whom to report. The list shall include the county prosecuting attorney.

(4) Each local government shall permanently post a summary of the procedures for reporting information on an alleged improper governmental action and the procedures for protection against retaliatory actions described in RCW [42.41.040](#) in a place where all employees will have reasonable access to it. A copy of the summary shall be made available to any employee upon request.

(5) A local government may require as part of its policy that, except in the case of an emergency, before an employee provides information of an improper governmental action to a person or an entity who is not a public official or a person listed pursuant to subsection (3) of this section, the employee shall submit a written report to the local government. Where a local government has adopted such a policy under this section, an employee who fails to make a good faith attempt to follow the policy shall not receive the protections of this chapter.

(6) If a local government has failed to adopt a policy as required by subsection (2) of this section, an employee may report alleged improper government action directly to the county prosecuting attorney or, if the prosecuting attorney or an employee of the prosecuting attorney participated in the alleged improper government action, to the state auditor. The cost incurred by the state auditor in such investigations shall be paid by the local government through the municipal revolving account authorized in RCW [43.09.282](#).

(7) The identity of a reporting employee shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.