

**POLLUTION IDENTIFICATION &
CORRECTION PLAN**

for the

**SEQUIM BAY-DUNGENESS
WATERSHED CLEAN WATER
DISTRICT**

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SECTION 1: INTRODUCTION

This plan serves as the guide for the Sequim Bay-Dungeness Watershed Clean Water District (CWD) Pollution Identification & Correction (PIC) Program (see Figure 1 for CWD boundaries). Implementation of this plan will be a learning experience and throughout implementation basic principles of adaptive management will be followed. Initial implementation will be treated as a pilot test of the plan. As such, the pilot testing will occur in a relatively small and manageable geographic area where the community is hopefully more readily engaged and willing to contribute to refinement of the PIC program guidelines described in this plan.

The lead agency for coordinating implementation of the PIC Program is the Environmental Health Section (CCEH) of the Clallam County Department of Health & Human Services. However, many other local and state agencies and the Jamestown S’Klallam Tribe (JST) will play critical implementation roles. These agencies and organizations are referred to as project partners throughout this plan. Among the key partners for water quality monitoring to identify pollution sources are Clallam County’s volunteer-based program Streamkeepers and the JST. In addition, the Washington Department of Health (DOH) performs marine sampling as part of their shellfish program, which is the primary driving force for water quality improvement and protection. Partners with key outreach and education roles include CCEH, Clallam Conservation District (CCD), and Washington State University Extension (WSU). Partners that provide critical technical and financial assistance to property owners and farmers to correct pollution problems include CCEH and CCD. And should it be necessary, CCEH, and the Washington departments of Agriculture (WSDA) and Ecology (DOE) have authority and responsibility to enforce regulations related to onsite septic systems (OSS), dairy nutrient management and general water quality, respectively.

Implementation of this plan requires funding. Presently, implementation activities are funded primarily by grants; however, efforts are underway to identify and secure stable funding for ongoing PIC program implementation. If stable funding cannot be secured, PIC program implementation activities will be prioritized and carried out with available staff and grant funding.

Section 1.1: Background

The CWD is a shellfish protection district that was created by Clallam County in 2000. It is located in the eastern portion of Clallam County, on the northeast coast of the Olympic Peninsula. The CWD is bounded on the west by the land draining to Bagley Creek, and on the east by the land draining to Sequim Bay (see Figure 1 for a map of the CWD). All waterways drain to the Strait of Juan de Fuca, either directly or via Dungeness Bay or Sequim Bay. Dungeness and Sequim bays and the Strait of Juan de Fuca support commercial and recreational harvest of shellfish, salmon and bottomfish. Dungeness Bay has traditionally been rich in

littleneck clams and supported profitable commercial oyster farming into the 1990s. Today, commercial oyster farming is limited to areas within Sequim Bay. With rigorous measures to improve and maintain clean water in the Dungeness watershed, there could once again be significant oyster harvests in Dungeness Bay. Geoduck harvests occur throughout the shoreline of the CWD, and commercial production has recently been proposed for Dungeness Bay.

The DOH monitors marine waters for fecal pollution and evaluates and classifies shellfish growing areas throughout the state. Fresh water from the CWD drains to three designated shellfish growing areas identified as East Straits, Dungeness Bay, and Jamestown. The majority of these areas are classified as *Approved* for commercial shellfish harvest with the following exceptions:

- Small areas near the mouths of the Dungeness River, Golden Sands Slough and Cassalery Creek are classified as *Prohibited* due to fecal coliform pollution.
- The inner portion of Dungeness Bay, including a portion that extends east of Graveyard Spit is classified as *Conditionally Approved*. Currently commercial harvest is *Prohibited* from this area from November through January.
- In addition, there is a small area that is unclassified located near the mouth of Bagley Creek.

In 1997, the DOH's water quality monitoring showed fecal coliform bacteria (FC) counts were increasing in Dungeness Bay near the mouth of the Dungeness River. By the fall of 1997, bacteria levels near the river mouth exceeded the Food & Drug Administration (FDA) National Shellfish Sanitation Program Standards for FC. Fecal coliform levels continued to increase, with higher levels occurring in inner Dungeness Bay. In 2000, the DOH reclassified 300 acres of Dungeness Bay near the mouth of the Dungeness River from *Approved* to *Prohibited* year-round for commercial shellfish harvest. Then in 2003, based on declining water quality, 1,150 acres from the inner portion of Dungeness Bay were reclassified from *Approved* to *Conditionally Approved* and an additional 250 acres from the outer bay were reclassified from *Approved* to *Prohibited*.

The initial shellfish downgrade in Dungeness Bay required Clallam County to form a shellfish protection district pursuant to RCW 90.72. On October 11, 2000, a recommendation was made by the Dungeness River Management Team (DRMT) to the Board of Clallam County Commissioners to call the shellfish protection district a "Clean Water District" and to have its boundaries be the same as the management area of the DRMT. The DRMT management area includes the Dungeness watershed and those waters influenced by it through the network of irrigation canals and ditches, the Siebert Creek and Bagley Creek watersheds on the west and the Sequim Bay watershed on the east.

Water quality monitoring data have resulted in the *Clean Water Act 303(d) List* classification of several CWD streams as impaired or threatened waters due to FC pollution. Numerous

remedial actions have been implemented over the years, and monitoring has demonstrated evidence of water quality improvements that have resulted in upgrades in the shellfish harvest growing areas in Dungeness Bay. In April 2011, the DOH upgraded approximately 500 acres of the Dungeness Bay growing area from *Prohibited* to *Conditionally Approved* for commercial shellfish harvest. The reclassified area has the same seasonal restriction as inner Dungeness Bay: open to commercial shellfish harvest from February through October but closed from November through January. The tidelands surrounding the mouth of the Dungeness River are still closed to shellfish harvest year-round due to freshwater impacts from the river and Meadowbrook Creek, elevated levels of fecal coliform bacteria in Meadowbrook Creek, and uncertainty about the marine water quality at the mouths of these drainages.

While water quality improvements have been made within the CWD, areas of Dungeness Bay remain restricted to shellfish harvesting. In 2012, the CCEH, in partnership with CCD secured Environmental Protection Agency National Estuary Program funding through the DOH to develop a Pollution Identification & Correction (PIC) plan to more effectively identify and correct ongoing pollution problems within the CWD. A PIC Planning Task Force was formed and met almost monthly for 18 months to develop this plan. Task Force participants included members of the CWD Clean Water Work Group and interested members of the public. See Appendix A for a list of Task Force participants.

The PIC program outlined here addresses all aspects of pollution identification and correction activities for the CWD. This PIC program is built on a long-term water quality monitoring program that was designed to track water quality trends on each of the waterways draining to marine waters of the CWD. These water quality trends data serve as the basis for prioritizing sub-watersheds for targeted pollution identification and correction activities

Below are brief descriptions of each element of the PIC plan. Detailed information about how each of these elements is to be implemented is included under the respective sections of the plan. The extent to which these PIC program elements can be implemented is a function of the availability of funding and staff resources.

Section 2: Pollution Prevention

Although identifying and correcting sources of existing pollution is necessary to improve current water quality conditions, over the long term, preventing pollution is the key to protecting and maintaining water quality. Current and proposed outreach and education programs designed to prevent pollution from OSS, agricultural activities, stormwater, and pet and wildlife waste are described in this section. Clallam Conservation District will coordinate PIC outreach with PIC program partners. The responsible or lead organizations for each category of pollution prevention outreach and education are identified in this section.

Section 3: Pollution Identification

Pollution identification is performed at two scales: (1) the monitoring of long-term water quality trends at the mouths of water bodies throughout the CWD, and (2) water quality sampling and other investigations in target sub-basins in order to identify the actual sources of contamination. The results of the trends monitoring determine where to focus source identification activities. It also serves as a long-term measure of program effectiveness. Pollution source identification involves background research about the target sub-basin, field observations, and bracketed water quality sampling. Fecal coliform bacteria (FC) is the primary water quality parameter to be monitored. Nutrient sampling may also occur in conjunction with FC sampling in select water bodies to aid in source identification and remediation of nutrient loading.

Section 3.1 Water Quality Trends Monitoring Program (Trends Program) – The trends monitoring program provides long-term data on water quality trends for each water body in the CWD. These data are relied upon to identify polluted water bodies and prioritize them for targeted investigations and corrective action. The trends monitoring program is administered by CCEH and carried out by Streamkeepers, the County’s volunteer-based water quality monitoring program. The monitoring involves monthly or quarterly water quality sampling at or near the mouths of streams and other waterways throughout the CWD. More details about this program are included are found in the *Quality Assurance Project Plan: Sequim-Dungeness Clean Water District Pollution Identification & Correction, Trends, and Project Monitoring Programs (December 2014)*.

Section 3.2: PIC Project Area Selection – This section includes details on how evaluation criteria are used to rank water quality problems for selecting high priority sub-basins for PIC project work areas.

Section 3.3: Pollution Source Identification – This section details how sources of water pollution in the selected target sub-basin are to be identified. It includes procedures for gathering project area background data, notifying the public and individual property owners, conducting segmented water quality sampling, and inspecting parcels and OSSs. Also included are the respective roles and responsibilities of the designated lead and support agencies for each category of pollution. Details on segmented water quality sampling methods are included in the PIC QAPP.

Section 3.4: Water Quality Complaints – Public notification and involvement is an important part of PIC projects and complaints will be investigated in order to identify possible water pollution sources. This section outlines how water quality complaints can be lodged and how such complaints will be handled.

Section 4: Pollution Correction

The final task of the PIC program is the correction of identified water pollution sources. This section is divided into three sub-sections covering the activities associated with the different sources of pollution: OSS, agriculture, and other, which includes stormwater runoff, and pet and wildlife waste. The applicable assistance programs and activities – both technical and financial – including agency roles and responsibilities are addressed in each sub-section. Enforcement protocols are also described (see Appendix B for pollution correction and enforcement process flow chart). Follow-up monitoring will be conducted to determine if correction activities have been effective. Details about follow-up monitoring are included within this section and the QAPP.

Section 5: Funding

This section includes a brief description of the funding needs associated with PIC plan implementation. Stable funding is essential for ongoing implementation of this plan. PIC implementation cost estimates and descriptions of both stable and grant-supported funding options can be found in Appendix O.

Section 1.2: Overview of Pollution Identification & Correction Program Steps

Water Quality Trends Monitoring Program (Trends Program)

Monthly or quarterly water quality sampling at the outlet of each stream and other significant drainage in the Clean Water District provides ongoing, long-term water quality trend data. Trend monitoring continues more or less unchanged year after year.

Pollution Source Identification & Correction

Step 1 Select PIC Project Area

- Summarize trends monitoring data and other relevant information and rank sub-basins.
- Document process and criteria used in selection of priority sub-basin for targeted pollution source identification and correction.
- Conduct public outreach, such as press releases and community meetings about PIC project area selection.

Step 2 Prepare for Project Area Pollution Source Identification

- Notify residents in target sub-basin about planned pollution source identification activities.
- Review relevant water quality data, associated reports and studies.
- Conduct reconnaissance of the project area; identify possible sources of pollution based on land-use activities.

Step 3 Conduct Segmented Water Quality Sampling

- Through bracketed sampling, identify and confirm pollution hotspots (i.e., sites with fecal coliform concentration geometric means greater than 50FC/100 mL).

Step 4 Prioritize Parcels for Inspections

- Assess parcels located within 200-foot radius of hotspots.
- Note lack of OSS records, presence of livestock, and other potential pollution sources.

Step 5 Conduct Parcel Inspections

- Perform additional bracketed water quality sampling and land-use assessments, and use tools like dye testing, optical brightener testing, etc., to identify and confirm pollution sources.

Step 6 Provide Assistance for Corrective Actions

- Offer technical and financial assistance, if available to property owners and residents to correct identified sources of pollution.

Step 7 Take Enforcement Action When Necessary

- Enforcement actions are taken as a last resort when property owners or farm operators are uncooperative in efforts to correct identified pollution sources.

Step 8 Conduct Follow-up Sampling to Evaluate Effectiveness

Step 9 Inform Public of Results

Section 1.3: Organization Roles & Responsibilities

Overall Program Coordination

- Clallam County Environmental Health (CCEH) is responsible for administrative activities including financial management.
- CCEH will provide program coordination, including organizing and facilitating meetings with program partners.
- The PIC program coordinator is the primary contact for public requests for information.

Water Quality Trends Monitoring Program (Trends Program)

- CCEH will provide general program oversight to ensure that monthly and quarterly sampling, as well as annual reporting are performed.
- Clallam County Streamkeepers is responsible for the monthly and quarterly collection of water quality samples and associated data entry.
- Streamkeepers is responsible for preparing an annual summary of Trends water quality data.
- The Washington State Department of Health (DOH) provides marine water quality data for Dungeness Bay and Sequim Bay through their Shellfish Growing Area Program.

Pollution Prevention Activities

- Clallam Conservation District (CCD), with assistance from PIC partners including CCEH and Washington State University Extension, provides overall coordination for all PIC outreach and education activities.
- CCEH will educate residents about proper onsite septic system operation and maintenance through online courses, workshops and publications.
- CCD will educate horse and livestock owners and other farm operators about agricultural best management practices through workshops, publications and online resources.
- CCD will coordinate outreach efforts related to stormwater management, proper pet waste management and discouraging activities that contribute to water pollution from wildlife.

Project Area Selection

- Each year the CWWG selects a sub-basin to be the PIC project area and submits its recommendation to the Dungeness River Management Team for review. Final PIC project area selection is presented to the Clallam County Board of Health for their concurrence.
- The PIC program coordinator (CCEH) is responsible for preparing a summary of trends monitoring data, including water body rankings and other relevant sub-basin information for Clean Water Work Group (CWWG) review and project area selection.

- The PIC program coordinator is responsible for coordinating with PIC partners on PIC project area selection public outreach. PIC Project Area implementation is expected to take two years – roughly a year for pollution source identification and a year for pollution correction.

Project Area Pollution Source Identification

- PIC program coordinator will perform the initial project area assessment in consultation with program partners such as the CCD and the JST in order to obtain information about land-use activities. The initial project area assessment includes a review of existing water quality data, OSS files and other relevant information that will facilitate efficient targeted water quality sampling.
- CCEH and the JST will conduct pre-sampling site visits to the project area to identify targeted water quality sampling sites and consult with property owners about proposed sampling activities.
- JST will conduct the targeted water quality sampling for identification of pollution hotspots, and provide water quality data to program partners to facilitate pollution source identification.
- CCEH will conduct monitoring and inspection activities to identify pollution suspected of originating from failing OSS.
- CCEH will notify residents when a pollution problem has been identified and will refer property owners and residents to the appropriate program partner for assistance with correction activities.

Pollution Correction

- CCEH will provide technical assistance to homeowners with OSSs identified as sources of pollution.
- CCD will provide technical assistance to farm operations identified as sources of pollution.
- And if funding is available, CCD may provide financial assistance to help correct pollution problems originating from both agricultural activities and failing onsite septic systems.
- CCD, along with program partners, will provide information and technical assistance to help correct identified pet and wildlife waste and stormwater pollution sources.

PIC Enforcement Activities

- CCEH will enforce OSS operation and maintenance regulations.
- Clallam County Department of Community Development (DCD) will administer the Clallam County Critical Area Code, Clallam County Zoning Code, Clallam County Shoreline Master Program (SMP), and Clallam County Building and Construction Code.
- DOE will enforce water quality protection regulations, including stormwater runoff and all agriculture activities except licensed dairy operations.

- WSDA is responsible for ensuring that licensed dairies comply with their dairy nutrient management plans.

PIC Project Area Follow-Up Sampling and Public Information about Results

- Follow-up sampling at hotspots will be conducted by the JST to determine the effectiveness of corrective actions.
- The PIC program coordinator is responsible for informing the public about the results of pollution correction projects through press releases, newsletter articles, direct letters to residents, etc. CCD and other program partners will contribute to public outreach.

SECTION 2: POLLUTION PREVENTION

Over the long term, preventing pollution is key to protecting and maintaining water quality. Individual and community behaviors and norms must be fostered such that water pollution associated with human activities becomes increasingly rare. There must be continuity in outreach and education efforts and the messaging must be consistent. Common behaviors and practices intended to prevent water pollution will be promoted throughout the area. CCD will coordinate outreach and education in order to ensure strategic, consistent and coordinated messaging.

Current and proposed outreach and education programs designed to prevent pollution from onsite septic systems, agricultural activities, stormwater, and pet and wildlife waste, including the responsible or lead organizations for each category of pollution are described below.

SECTION 2.1: Onsite Septic System Pollution Prevention

Clallam County Environmental Health (CCEH) is responsible for educating residents about proper operation and maintenance of OSS. Below is a list of current education programs for preventing OSS pollution that are proposed for continuation (currently funding dependent):

Septic 101 Course – This course is designed to provide residents with information and skills to properly operate, monitor, and maintain their OSS. The classes are offered in a classroom setting and online at <http://www.clallam.net/Septic101>.

Septic 201 Course – This course teaches residents how to properly inspect their OSS. It is offered online and occasionally in a classroom setting if funding is available. Successful completion of the course enables residents to become certified to inspect their own systems (Do-It-Yourself Inspection). More information can be found at <http://www.clallam.net/Septics201DIY>.

Clean Water Herald – This newsletter is designed to educate residents about protecting water quality in their neighborhoods and highlight Best Management Practices (BMPs) for OSS operation and maintenance. Due to the high cost of printing and mailing, this newsletter may be discontinued after 2014 unless additional funding is secured.

SECTION 2.2: Agriculture Pollution Prevention – The CCD offers a variety of technical assistance and educational opportunities to promote implementation of best management practices (BMPs) by farmers and livestock owners to help prevent water pollution. The CCD is a non-regulatory special purpose district that works with land users on a voluntary basis providing assistance at no charge. Current CCD pollution prevention programs are described below:

Workshops & Farm Tours – The CCD hosts farm tours to showcase BMPs and provide

participants with first-hand knowledge on how to implement BMPs and their benefits. Guest speakers such as veterinarians, noxious weeds experts, and livestock specialists provide an added attraction and teach workshop participants about BMPs that promote livestock health and farm production, in addition to protecting water quality.

Technical Assistance – The CCD provides individualized on-site technical assistance on natural resource conservation topics ranging from farmland stewardship, pasture and manure management, and irrigation water management, to stormwater management and wildlife habitat enhancement.

Farm Conservation Planning – CCD staff help farm operators develop plans to meet land-use objectives, while protecting water quality and other natural resources on the farm. Through the conservation planning process, goals and objectives are identified, and the capabilities and limitations of the land and resources are inventoried and evaluated. The farm conservation planning process results in a list of BMPs planned for implementation with scheduled implementation dates.

Technical Guides & Publications – The CCD distributes technical guides on common horse and livestock keeping practices like proper manure, mud and pasture management. Technical guides provide residents with the information they need to implement BMPs on their own and are a good alternative for those who prefer to work independently. Guides are available free of charge and can be downloaded from the CCD website at <http://www.clallamcd.org/conservation-on-the-farm/>.

Soil Testing – The CCD offers a low-cost soil testing program to county residents. Soil tests provide information on nutrient needs, serving as a guide for the proper application of fertilizers and manure, thus helping prevent contaminated surface water runoff or groundwater pollution due to over-fertilization or improper application of manure.

SECTION 2.3: Pollution Prevention: Other Sources

The prevention of other sources of nonpoint pollution such as pet and wildlife waste and stormwater runoff, is addressed in this section. The Clallam County Department of Community Development (DCD) has authority over stormwater management and prepared a *Draft Comprehensive Stormwater Management Plan* and a *Draft Stormwater Public Outreach Plan*. However, as of the end of 2014, no formal action was taken on adoption of either plan. These plans are available for review at <http://www.clallam.net/LandUse/stormwater.html>. Therefore, as an interim measure, CCD will provide overall coordination of outreach and education efforts related to stormwater runoff.

Clallam Conservation District – The CCD offers a course on sustainable landscaping each spring and fall, as well as sustainable landscaping workshops and presentations. These educational programs promote low impact landscaping, including various stormwater management

practices, such as retention of natural vegetative cover, low water-use plantings, mulching and compost use, rain water harvesting, permeable paving, and rain gardens.

Washington State University Extension – The Clallam County Master Gardeners is the local administrator of the *Puget Sound 12,000 Rain Gardens Project*. The goal of this project is to promote the installation of residential rain gardens for retention and treatment of runoff from roofs and other impervious surfaces. To date, the program focus has been in the Port Angeles area, which is outside the CWD.

The CCD will coordinate outreach and education efforts related to pet and wildlife pollution prevention to ensure consistent messaging. Program partners will implement the following pollution prevention activities:

Pet Waste Pollution Prevention – In order to reduce pollution from pets, pet waste disposal stations are proposed for installation at public recreational sites throughout the CWD.

Wildlife Waste Pollution Prevention – General outreach and education activities will be implemented to reduce pollution from wildlife that result from ill-advised behaviors that attract wildlife, including feeding wildlife and outdoor feeding of dogs and cats.

SECTION 3: POLLUTION IDENTIFICATION

Pollution identification occurs through a two-stage process. The first stage is the Water Quality Trends Monitoring Program (Trends Program), which is a long-term monitoring program that tracks the water quality trends of each of the waterways discharging to marine waters in the Sequim Bay-Dungeness Watershed Clean Water District (CWD). The second stage involves all the activities necessary to identify the actual sources of contamination entering a target waterway.

Clallam County Environmental Health (CCEH) is the lead agency for coordination of all pollution identification activities. The Streamkeepers has been designated as the lead implementing organization for the Trends Program. For pilot implementation of the PIC program the Jamestown S’Klallam Tribe, will implement the PIC project sampling. Water quality monitoring details are included in the PIC QAPP. As with all elements of this PIC program, future changes in funding and agency priorities could result in changes in roles and responsibilities.

Every effort will be made to keep residents of a PIC project area informed of pollution identification activities, including making water quality data available for review. Information collected during PIC projects will be made available to the public via the internet. Outreach methods that include mailings, email, and social media will be utilized to inform PIC project area residents about pollution identification activities.

SECTION 3.1: Water Quality Trends Program

The goal of the Trends program is to consistently monitor long-term water quality trends at or near the mouths of waterways throughout the CWD. The sampling focuses on parameters associated with human sewage and animal waste – fecal coliform bacteria and nutrients.

Monitoring Stations – Sampling will occur at or near the mouths of streams and other significant waterways that discharge into the Strait of Juan de Fuca, Dungeness Bay, Sequim Bay, and the Dungeness River. The water bodies to be monitored as part of the Trends Program are listed in the tables below. The water bodies are organized into two groups (Tier I and Tier II) according to sampling priority, determined largely by impact to public health and shellfish growing and harvesting. All Tier 1 water bodies will be sampled monthly unless it is determined that a water body consistently meets water quality standards, in which case it becomes designated as a Tier II water body and is sampled quarterly. See *Figure 1 – Trends Program Monitoring Sites* for more information.

Data Collection – Temperature and salinity will be recorded only at sites that may be tidally influenced. If funding allows, pH and dissolved oxygen will also be recorded; however, equipment and equipment calibration requirements may be cost prohibitive. Fecal coliform bacteria and nutrients will be analyzed for each Tier I monitoring station and only fecal bacteria

will be analyzed for each Tier II station. Volunteers working under the auspices of the Streamkeepers of Clallam County will perform the sampling activities for this program.

Data Management – Data will be entered into the Clallam County Water Resources database each month and a quarterly report summarizing data will be distributed at the Clean Water Work Group (CWWG) quarterly meetings. Quarterly reports of the Trends program data will be available on the internet and both hard and electronic copies of the report will be available by request. The CCEH will be responsible for administering this program including general organization of the monitoring program, ensuring proper data management, and ensuring that reports are prepared and submitted to the CWWG for review.

Table 1 - Tier I Water Bodies (Monthly Sampling)

| Stream Name | Receiving Waters | Projected Monitoring Station (CCWR/EIM) | Description |
|-----------------------------|-------------------------|--|---|
| Dungeness River | Dungeness Bay | Dungeness 0.7 | 0.3 miles downstream Schoolhouse Bridge. Access is from Rivers End Rd. |
| Meadowbrook Creek | Dungeness Bay | Meadowbrook 0.1 | Near mouth, upstream of Sequim Dungeness Way, near Three Crabs Rd. |
| Meadowbrook Slough | Dungeness Bay | Meadowbrook Slough 0.23 | Upstream of the Dungeness Farm Bridge at the end of Abernathy St. |
| Golden Sands Slough | Dungeness Bay | Golden Sands Slough 0.0 | Golden Sands Slough at outlet of south side of Three Crabs Rd. |
| Cooper Creek | Dungeness Bay | Cooper 0.1 | Access from Three Crabs Rd. |
| Cassalery Creek | Dungeness Bay | Cassalery 0.0 Alternate 0.6 | Cassalery Creek at mouth; private but can be accessed via neighbor & beach. |
| Matriotti Creek | Dungeness River | Matriotti 0.3a | At Ward Rd. |
| Lotzgesell Creek | Dungeness River | Lotzgesell 0.1 | Upstream of confluence with Matriotti Cr., on Game Farm property. |
| Sequim Bay State Park Creek | Sequim Bay | Sequim Bay State Park Creek 0.0 | Near mouth at Sequim Bay State Park. |
| Bell Creek | Sequim Bay | Bell 0.2 | ~30 feet upstream of Schmuck Rd. |
| Johnson Creek | Sequim Bay | Johnson 0.0a | Downstream of culvert on southeast end of Marina parking lot. |
| Jimmycomelately Creek | Sequim Bay | Jimmycomelately 0.15 | Upstream of Hwy 101 at Ecology gage. |

Table 2 – Tier II Trends Sampling Sites (Quarterly Sampling)

| Stream Name | Receiving Waters | Projected Monitoring Station (CCWR/EIM) | Description |
|--------------------|-------------------------|--|--|
| Bagley Creek | Strait of Juan de Fuca | Bagley 0.7a | Downstream of Olympic Discovery Trail bridge. |
| Siebert Creek | Strait of Juan de Fuca | Siebert 1.0 | Siebert Creek at Olympic Discovery Trail parking area. |
| Agnew Creek | Strait of Juan de Fuca | Agnew Ditch | Sampled at 1137 Finn Hall Road. |
| McDonald Creek | Strait of Juan de Fuca | McDonald 01.6 | McDonald Creek downstream of Old Olympic Hwy bridge. |
| Hurd Creek | Dungeness River | Hurd 0.2 | At Moore property. |
| Gierin Creek | Dungeness Bay | Gierin 2.1 (Holland Rd.) | Lower part of stream on Graysmarsh property. |
| Dean Creek | Sequim Bay | Dean 0.17 | Dean Creek at Olympic Discovery Bridge. |
| No Name Creek | Sequim Bay | No Name 0.03 | No Name Creek next to JST Admin Bridge. |
| Chicken Coop Creek | Sequim Bay | Chicken Coop SF 0.2a | ~ 50 feet upstream of culvert at Old Blyn Hwy. |

SECTION 3.2: PIC Project Area Selection

Each year a high priority sub-basin will be selected for targeted pollution source identification and correction activities – the PIC Project Area. Work in a PIC project area will typically cover a two-year period, with the first year focusing on pollution source identification and the second year on corrective activities.

Selecting the sub-basin will be based largely on the analysis of Trends Program water quality data. Sub-basins will be ranked based on a thorough review of water quality data and additional water quality factors such as shellfish harvest impairment, public health advisories, TMDL implementation, 303d listings, and OSS areas of concern. Other factors such as geographic scope (e.g. number of parcels), community awareness and engagement, and ongoing ecosystem restoration projects will be considered in the selection of the PIC project area. The rating criteria worksheet used to select priority sub-basins for PIC projects is included in Appendix F.

The CWWG will recommend to the Dungeness River Management Team (DRMT) the PIC Project Area in which to focus pollution identification and correction efforts. The DRMT will consider public input and recommend a PIC Project Area for concurrence by the County Board of Health. Public outreach, including press releases and newsletter articles will be conducted to engage the community in the project area selection. Direct mailings, emails, use of social media and other targeted outreach efforts will be used to notify residents of a proposed project area prior to submitting the project area to the Board of Health for review. Such outreach will also include the date, time and location of meetings relevant to PIC project area selection.

PIC project areas will be the focus of water quality correction activities, including segmented water quality sampling and parcel assessments to identify and correct pollution sources. However, this does not prevent pollution correction activities from occurring in areas outside of designated PIC project areas. If property owners or farm operators outside a PIC project area request assistance to address known or suspected problems, every effort will be made to respond to those requests. Furthermore, if complaints are received about suspected pollution sources, they will be followed up on. However, because of the focused efforts on PIC project areas, funding and staff resources may be limited, thus the timeliness of responses may be affected.

SECTION 3.3: Pollution Source Identification

Once a PIC project area has been selected, work begins on the identification of the sources of water pollution in that sub-basin. Described below are the steps in identifying sources of water pollution, including procedures for gathering project area background data, public outreach and individual property owner notification procedures, segmented water quality sampling procedures, and guidance on inspecting parcels and onsite septic systems. The PIC QAPP serves as the guide for sub-basin segmented water quality sampling activities.

All data collected during PIC project implementation will be shared with program partners as soon as possible, ideally weekly during project implementation. This will facilitate better coordination among project partners for selecting additional segmented sampling locations and for tracking effectiveness following source identification and correction. For long-term storage, water quality data will be uploaded into a readily accessible database, as determined by the CWWG, within six months of project completion. If state or federal funding is utilized for water quality monitoring, the data will be entered into either the state's Environmental Information Management (EIM) database or the federal STORET database.

Steps to identify pollution sources within a PIC project area:

1. Public Outreach and Landowner Notification
2. Project Site Area Evaluation
3. Segmented Water Sample Collection & Testing
4. Shoreline Surveys
5. Parcel-Level Assessments

STEP 1. PUBLIC OUTREACH AND LANDOWNER NOTIFICATION

Public outreach and landowner notification is key to informing and engaging residents about PIC projects. Considerable effort will be made to notify residents of the PIC project area about the PIC program prior to initiating a PIC project. PIC data will be available on the web and the address of the URL will be made public via mailings, emails, newsletters, press releases and through the use of social media.

Public outreach is accomplished using press releases and articles in local news media and newsletters, web sites, and hosting public meetings. Landowner notification is accomplished using direct mailings, emailing, social media, door hangers, and distribution of project fact sheets. The purpose of notification is to ensure that residents or property owners within the project area are informed about the project and to initiate the process of gaining trust and cooperation for identifying sources of pollution. Some background research, like parcel information organized by road, water quality monitoring data and project area maps, will need to be gathered prior to notifying the public. Once that data is gathered the information presented to the public should be direct, concise, and complete, and contain the following items:

- Why and where the PIC project is being conducted.
- How and when the PIC project will be conducted (including a detailed project timeframe).
- Who is doing the PIC project and by what authority.
- Summary of applicable water quality results.
- Possible sources of fecal pollution.
- Who to contact for more information, to be included on mailing lists, or to answer questions.

A sample press release and a sample project fact sheet are found in Appendix C.

Public Meetings

Public meetings are held to launch a new project or provide an update on an existing project. At a minimum, each PIC project will include a kick-off public meeting to inform residents of an upcoming PIC project and a wrap-up public meeting to discuss the results of a PIC project upon completion. The frequency of additional public meetings will largely be determined by the needs and preferences of PIC project area residents. The public meeting is held at a convenient and comfortable location as close as possible to the project area. The elements of the public meeting include a short presentation about the pollution problem, project information such as water quality data, the goals and objectives for the project, and how the project will be carried out. Sufficient time should be allotted to enable the public to ask questions. Representatives of all the key project partners (e.g., CCEH, CCD, DOE, DOH, DCD, JST) should be in attendance. Surveys will be circulated at the kick-off meeting to solicit feedback for future PIC meetings about meeting frequency, location, timing and venue. In some cases it may be useful to hold the public meeting at a regularly scheduled meeting of a community group.

In addition to inviting residents of the project area, local government representatives, the Clallam County Board of Health, and grant officers should be invited to the public meetings. Additional public meeting guidelines are presented in Appendix D.

STEP 2. PRE-SITE VISIT PROJECT AREA EVALUATION

Project area evaluation is an important step in gaining a thorough understanding of an area prior to conducting field work. Before visiting a project area and conducting parcel inspections, available data and background information pertinent to the project area will be reviewed. Available water quality data for the area, along with maps and aerial photographs are evaluated to narrow down areas with elevated contamination levels as best as possible and better delineate and refine the project area.

Once the pre-site visit background research has been completed, a project area rapid reconnaissance should be conducted. The purpose of the reconnaissance is to ground truth information evaluated in the office and gain a better understanding of the project area. This quick site visit should result in:

- Confirmation of drainage patterns in the priority sub-basin.
- Project area boundary confirmation.
- Identification of surface waters (drainage in roadside ditches, pipe discharges, streams, and marine water) for potential segmented sampling access.
- Identification of road segments to be inspected, along with property addresses.
- Preliminary identification of potential contaminant sources, including livestock, pets and wildlife.

STEP 3. SEGMENTED WATER SAMPLE COLLECTION & TESTING

Segmented Water Sampling

A priority sub-basin is selected because it has well documented water quality concerns. A thorough review of water quality data as described above will be used as a starting point for selecting sites for further water sampling to identify sources of pollution. All water sampling activities will adhere to the protocols described in the PIC QAPP. For pilot implementation of the PIC program, the Jamestown S'Klallam Tribe is the lead implementing organization of the segmented water sampling.

The goal of segmented sampling is to locate contamination “hotspots” within a priority sub-basin. Hotspots are locations where the geometric mean of preferably three water quality samples exceeds the *Extraordinary* water quality standards set by Washington State (i.e., 50 fecal coliform colony-forming units per 100 mL for freshwater). Selection of hotspot sampling sites is based on a review of available records (e.g., historic water quality data, septic concern, poorly drained soils) and visual assessments for potential pollution sources (e.g., poorly managed farms or homes with questionable septic systems).

Hotspot Confirmation Sampling

All samples with FC results exceeding 50 FC/100mL are ideally re-sampled to confirm that they are indeed hotspots. Re-sampling should occur as soon as possible, ideally within a few days of the initial collection date.

When the geometric mean from samples taken exceeds 50 FC/100mL, the hotspot is identified and further investigation is warranted. All hotspots should be investigated; however, when there are multiple hotspots, the following prioritization criteria should be used:

| High Priority | Medium Priority | Low Priority |
|----------------------|--------------------------|------------------------|
| > 400 FC / 100mL | 100 to 399 FC / 100mL | 50 to 99 FC / 100mL |

STEP 4. CONDUCTING SHORELINE SURVEYS

A shoreline survey is the inventory and bacterial assessment of all flowing discharges to marine areas. PIC partners will determine when and where shoreline surveys will be conducted when preparing the priority sub-basin work plan. For pilot implementation of the PIC program, the JST is the lead implementing organization for shoreline sampling.

During shoreline surveys, water samples will be collected from all flowing discharge points including stormwater outfalls, yard drains, bulkhead drains, pipes, drainage ditches and seeps. Each discharge point will be photographed and mapped with the location, name and description of the discharge. Step by step procedures for shoreline survey water sample collection are included in Appendix E. As with other water quality sampling, the water quality data collected during shoreline surveys will be made available to the public.

STEP 5. CONDUCTING PARCEL-LEVEL ASSESSMENTS

Parcels identified as likely contributors to confirmed hotspots are investigated to identify possible sources of the pollution. CCEH is the lead organization for parcel assessments; however, PIC program partners will likely play key roles, as well, particularly CCD for assessments of agricultural parcels. Step by step procedures for conducting property assessments, including property access guidelines, safety considerations and legal considerations are included in Appendix G. Parcel-level assessments will occur as soon as possible following the confirmation of a hotspot.

Prior to conducting parcel assessments, CCEH, with the help of other partner agencies, will prepare parcel investigation forms and review assessor records, OSS records, applicable OSS operation and maintenance records, and other correspondence for each individual parcel in the

hotspot area. If agricultural sources of pollution are suspected, CCEH will consult with CCD about how best to perform the parcel assessments.

It is critically important to pursue pollution identification and correction activities in a manner that demonstrates the utmost respect for property owners. Identification and correction of pollution sources should be conducted in collaboration with property owners, whereby the pollution is portrayed as a community problem that the community is working together to address. The availability of technical and financial assistance to help correct any pollution problems that are identified should be stressed from the outset.

Parcel assessment steps include:

1. Contacting the property owner/occupant to conduct an informational interview on potential sources. Note that information about pollution source identification and correction is provided at the time of the interview. Provide residents with a summary of pre-site visit information (water quality data, maps, and other resources that help describe the pollution concern).
2. Obtaining consent to perform an assessment of the property including an inspection of the onsite septic system and visual inspection of animal waste management practices.
3. Evaluating discharges on the property during wet weather conditions, if possible.
4. Provide a summary of parcel inspection and assessment results to affected property owners following assessment activities.

Assessment of Onsite Septic System Pollution Sources

Confirmed hotspots located near residences require additional investigation activities to determine if onsite septic systems (OSS) are failing. All OSS records located immediately adjacent to a confirmed hotspot will be flagged for further investigation. Activities to identify a failing OSS can include visual assessments such as eroded soils, ponding, lush vegetation, odor and apparent damage to the OSS drainfield. Further investigative activities may include OSS dye testing and the use of optical brighteners.

When a failing OSS has been identified the property owner is notified in writing and instructed on the necessary steps to correct the system and subsequent pollution source. They are also provided information about any financial resources available for assistance. Additional information about OSS assessment procedures are included in Appendix H and I.

Assessment of Agricultural Pollution Sources

When a confirmed hotspot is located near an agricultural property, additional upstream and downstream sampling will occur. Agricultural pollution source identification should be conducted as follows:

- Collect at least three (3) upstream and downstream water samples from the same locations on different days to best represent field conditions. Sampling during wet weather conditions is recommended.
- When the geometric mean (GMV) for these samples is equal to or exceeds 50 FC /100 mL, the pollution source is confirmed and source correction is necessary.

When the pollution source is confirmed, the property owner/farm operator is notified in writing by CCEH that pollution is originating from their property and assistance is available from the CCD to address the pollution problem. The CCD will be copied on the written notification. Sample letters notifying property owners that a pollution source is originating from their property are included in Appendix J. The CCD may initiate contact with the property owner/farmer instead of waiting for a request for assistance. The CCD will work with the farm operator to develop a plan for correcting the water quality problem and a timeline for plan implementation. The CCD will assist the farm operator with implementation of corrective actions. Should the farm operator cease to cooperate, they will be referred to the Department of Ecology (DOE) for possible enforcement action. The farm operator will be informed from the beginning of possible consequences of not working toward pollution correction. However, the pollution problem will be portrayed as a community problem for which public assistance is available to address. Furthermore, all potential corrective actions will be explored cooperatively, taking into account the unique circumstances of each particular situation.

Assessment of Other Pollution Sources (Pet and Wildlife Waste, Stormwater Runoff)

When confirmed pollution hotspots are located near residences with numerous pets and/or visible pet waste, staff will conduct a parcel assessment to determine if the pet waste is a likely pollution source. Assessments will include contacting residents to determine if/how pet waste is being collected and disposed.

When confirmed pollution hotspots are suspected to be the result of human-induced wildlife activity, such as direct feeding of wildlife or outdoor pet feeding, PIC staff will contact residents to gain more information on possible wildlife feeding activities.

When confirmed hotspots are located near commercial or other land-uses with large amounts of impervious surfaces or adjacent to a roadside drainage ditch, stormwater runoff is a likely source of pollution. In such cases, PIC partners will work together to propose and implement corrective actions to address polluted stormwater runoff.

SECTION 3.4: Water Quality Complaints

Public notification and involvement is a very important part of PIC projects and water quality complaints will be investigated in order to identify possible water quality pollution sources. Given the increased publicity that PIC projects will bring, it is anticipated that water quality complaints will increase.

A memorandum of understanding between CCD and CCEH outlines how complaints about alleged agricultural pollution problems are to be addressed. A memorandum of agreement between CCD and the DOE outlines a similar complaint response process with the state. These memoranda guide the agencies in how to respond to water pollution complaints involving agriculture and will continue to be followed with the PIC program.

Contact information is listed below to assist residents with lodging a water quality complaint.

Clallam County Environmental Health Complaints: 360-417-2506

Complaints can be phoned-in regarding failing OSS systems or other public health concerns.

Clallam County Solid Waste Complaints: 360-417-2258

Complaints can be phoned-in regarding improper storage of trash and waste including junk vehicles.

Washington State Department of Ecology, Southwest Region: 1-360-407-6300 or email at <http://www.ecy.wa.gov/reportenviroproblem.htm>.

Complaints can be phoned-in or emailed regarding water quality pollution from agriculture sources or any other water pollution concerns.

Clallam County Department of Community Development Complaints: 360-417-2337 or email at: CodeEnforcement@co.clallam.wa.us.

Complaints can be phoned-in or emailed regarding critical areas violations including illegal impacts to wetlands, streams and associated buffers.

SECTION 4: POLLUTION CORRECTION

The final part of a PIC program is the correction of identified sources of water pollution. This section is divided into the following sub-sections according to main pollution sources which are onsite septic systems, agriculture, and other sources of pollution (stormwater runoff, and pet and wildlife waste). The applicable technical and financial assistance programs and activities and enforcement protocols, including agency roles and responsibilities are described for each source of pollution.

SECTION 4.1: Onsite Septic System Pollution Correction

Local Health Jurisdictions (LHJs) are authorized to develop and enforce State and local Board of Health regulations governing onsite septic systems with design flows of less than 3,500 gallons per day. Within a designated Marine Recovery Area, LHJs are responsible for inventorying and locating existing on-site sewage disposal systems, requiring inspection of on-site sewage disposal systems and repairs to failing systems, developing electronic data systems capable of sharing information regarding on-site sewage disposal systems, and monitoring these programs to ensure that they are working to protect public health and Puget Sound water quality (RCW 70.188A).

When OSS problems are identified, CCEH always works with the homeowner towards voluntary compliance to remedy an OSS that is a public health risk and/or pollution source. However, CCEH employs a number of enforcement protocols (found in Appendix K), in the event that enforcement is necessary. The protocols cover general enforcement response (including complaint response, site investigations, enforcement priority, referral to Prosecuting Attorney, Notice of Violations, etc.). Protocols also have been developed for issuing Administrative Penalties (Appendix L) and Civil Infractions (Appendix M).

Financial Assistance for Repair of Failing OSS

Financial assistance for repair of failing OSS may be available from a variety of sources. Grants (cost-share assistance) covering design, permits and up to 75 percent of the cost of the new system may be available from CCD. Loans may be available from lending institutions, including low interest loans from the non-profit community development financial institution Craft3, and the United States Department of Agriculture (USDA) Rural Development agency. The CCEH is the lead for OSS operation and maintenance outreach, and in their role they provide information to homeowners about the availability of cost-share assistance from the CCD and loans from Craft3 or USDA. OSS inspectors and designers provide similar outreach to homeowners.

For cost sharing assistance from CCD, CCEH staff will inform CCD when they believe that progress toward repair of a failing OSS will be advanced through homeowner outreach from

CCD. The CCEH will make initial contact with the homeowner regarding the condition of their OSS and the requirement to make repairs, and then refer homeowners to CCD for financial assistance for repair of their failing OSS.

As funding allows, CCD will assist homeowners with the costs of designing and repairing failing OSS. Homeowners will apply directly to CCD for financial assistance, which will be in the form of a grant, referred to as cost-share assistance. Depending on the availability of funding, the cost-share rate for repair of OSS will typically be up to 75 percent, plus the cost of the design and permit. Ongoing OSS operation and maintenance and compliance with County regulations are the responsibility of homeowners.

SECTION 4.2: Agricultural Pollution Correction

CCD assists landowners and farm operators with agricultural pollution concerns by providing information, technical assistance and sometimes financial assistance to install and implement best management practices (BMPs). Technical assistance provided by CCD is based on USDA Natural Resources Conservation Service (NRCS) conservation practice standards and specifications.

Because CCD is a non-regulatory agency, all assistance is provided on a voluntary basis. Landowners and farm operators must willingly work with the district to address resource concerns. Assistance is provided upon request of the landowner/farm operator or it is offered by CCD when a referral is received from another agency.

One of the first steps in the process of identifying and correcting pollution problems on farms is a site visit. The site visit allows district staff to get to know the farm operator and their needs and goals, while gaining an understanding of their property, land use and management practices, and resource concerns. Prior to the site visit CCD staff create a map of the property and review pertinent resource information, such as soils and hydrology. Assistance may range from advice based on a single site visit to multiple site visits and the development of a farm conservation plan, depending on landowner/farm operator needs and resource concerns.

For resource concerns or situations that may require complex corrective actions and analysis of alternatives, CCD staff typically recommend that a comprehensive farm conservation plan be developed. The conservation planning process typically involves several site visits and an in-depth analysis of current resource conditions and concerns and alternatives to address those concerns. The CCD follows a coached planning process to develop farm conservation plans. District planners help farm operators fill out worksheets to inventory the natural resources on their property and rating tables to assess resource concerns or areas for improvement. Conservation plans include a list of BMPs needed to address resource concerns and a timeline for implementing the BMPs. Recommended BMPs usually include management practices, like rotational grazing and proper animal waste management, and structural practices like installation of fences, a protected heavy use area and a manure storage structure. Descriptions

of BMPs that are commonly used to address water quality pollution on agricultural operations may be found in Appendix N.

If a landowner/farm operator is unable to implement BMPs on their own, they may be eligible for financial assistance through the CCD's Cost Sharing Program. This program is designed to defray farm operator costs for implementing conservation practices that benefit water quality and wildlife habitat. All Clallam County land users are eligible for this program, which is contingent upon grant funding. Cost-share applicants must become District Cooperators and have a District-approved farm conservation plan. Each cost-share practice must meet NRCS standards and specifications. Cost-share recipients are reimbursed up to 75% of the total project cost once the project is complete. Practices that are commonly funded include riparian fencing, alternative livestock watering systems (watering from tanks rather than a stream), manure storage structures, heavy use area protection, and roof runoff management. Applicants that have been referred to CCD as part of a PIC project will receive high priority for cost-sharing assistance.

SECTION 4.3: Pollution Correction: Other Sources

If a potential pet waste pollution source is identified during a PIC project, staff will attempt to meet with the residents to explain how proper pet waste handling procedures can protect nearby water quality, and human and pet health. Assistance, which will be coordinated by CCD, will include the distribution of educational materials that instruct residents on how to properly and safely dispose of pet waste. A pet waste brochure is also available for distribution. Essentially, pet owners will be advised to pick up pet waste at least weekly, or more often as necessary, double bag, and dispose in a sealed trash container.

If a wildlife source is identified, CCD staff will coordinate with program partners to determine what actions can be taken to correct it, such as eliminating unnatural food or water sources. Further assistance may be needed to help the resident correct the pollution source. PIC staff should provide advice to all residents with suspected human-driven wildlife pollution sources, regardless of whether a hotspot has been identified or not.

If the pollution source is located on publicly accessible lands such as parks, beaches or trails, corrective activities could include the installation of pet waste disposal stations in addition to signage and other outreach efforts.

If a potential stormwater pollution source is identified then PIC partners will coordinate with Clallam County Department of Community Development (DCD) to provide educational materials to residents identified as having a stormwater pollution problem. The DCD requires that new development and redevelopment projects are in compliance with Clallam County's Critical Areas Ordinance and/or shoreline management programs. CCD may also provide assistance to landowners to help correct stormwater problems. Clallam County Roads Department will be responsible for addressing pollution problems from County roadways.

Corrective actions will adhere to the Regional Road Maintenance Endangered Species Act Program Guidelines.

SECTION 4.4: Enforcement

Enforcement action is only resorted to when all other efforts to help residents, property owners and farmers correct pollution problems have proven unsuccessful.

As the PIC program coordinator, CCEH is responsible for notifying, in writing, all property owners and residents who have been identified through a PIC project as contributing to water pollution. This initial written notification does not mean that the enforcement process is underway; rather, it serves as documentation that a pollution source has been identified and outlines the steps necessary to correct the problem, including and perhaps most importantly, directing the resident to appropriate sources of assistance to get the pollution problem corrected. The actual enforcement process begins only when a resident does not cooperate in pollution correction actions.

DOE is responsible for enforcing water quality regulations related to most activities except onsite septic systems and commercial dairies. DOE commonly only gets involved when they receive a complaint or a referral from a local government. And even then, they do not actually initiate enforcement; rather, they investigate the complaint or referral to verify that there is indeed pollution or the potential to pollute. Once verified, they provide written notification to the landowner or farm operator about the pollution concern and recommend next steps to correcting the problem. However, for pollution concerns of an agricultural nature, they consult with the conservation district before sending a letter. The purpose of the consultation is to determine if the CCD is already working with the farm operator and whether or not a letter may jeopardize progress toward pollution correction. If written notification is provided to a farm operator, they will be referred to the conservation district for assistance to develop a plan to correct the pollution concern. The farm operator does not have to take advantage of the assistance from the conservation district; however, if they do not make satisfactory progress toward resolving the pollution concern, the enforcement process will begin. Enforcement may include fines.

Below is a description of how enforcement activities will be conducted when residents and property owners fail to implement corrective actions.

On-site Sewage System Failures

CCEH will follow legal due process notification as outlined in the CCEH *Onsite Septic System Enforcement Protocols* found in Appendix K. Enforcement actions will adhere to guidelines set forth in Clallam County's On-site Sewage System Code (Chapter 41.20) and enforcement protocols. Chapter 41.20 enables CCEH, in cooperation with the Clallam County Sheriff's Office,

to issue civil infractions. CCEH may also issue administrative and other penalties to homeowners for failing to comply with the code (CCC 41.20.260, CCC 41.20.279).

In most cases, civil infractions (tickets) are issued for failure to comply with the Notice of Violation (NOV) and the violation continues to occur. Issuing civil infractions is outlined in Appendix M.

Livestock Pollution

When a property owner (and farm operator, if different) does not work cooperatively to address identified pollution problems, the landowner will be referred to DOE for further assistance and possible enforcement actions.

The determination about whether a farm operator is not cooperative will be made in consultation with the CCD; however, typically if six months pass from initial contact with the CCD and no progress has been made to develop a plan of action for correcting the identified pollution problem, the farm operator is likely to be considered uncooperative. Enforcement activities are outlined in flow chart form in Appendix B.

SECTION 4.5: Follow-Up Monitoring

Follow-up monitoring and distribution of results to the public is essential for transparency and accountability. It also helps to maintain and build the trust and associated cooperation with the community.

A minimum of two samples should be collected following pollution correction activities to ensure a water quality problem has been deemed satisfactorily corrected. Water quality data collected during follow-up monitoring activities will be summarized and made available to the public. The JST is the lead implementing organization for follow-up monitoring of the pilot implementation of the PIC program. Long-term correction will be measured by evaluating data generated as part of the Trends Program.

Community outreach following a PIC project will occur through press releases, newsletter articles, mailings, emails, social media and community meetings. Follow-up monitoring data as well as PIC project summaries and reports will be available online as well. A public meeting will be conducted within three months following the completion of a PIC project. The goal of this public meeting is to share the results of the PIC project, including successes and challenges and to gather community feedback.

SECTION 5: FUNDING

Background

Successful implementation of this Pollution Identification & Correction plan will depend on stable funding. Water quality trends monitoring must be consistently performed year after year, thus necessitates dedicated funding. Outreach and education programs also require consistency and continuity in order to be most effective. Although stable funding is most desirable, it may be possible to carry out sub-basin pollution identification efforts and pollution correction activities with grant funding because of the limited temporal and spatial nature of those activities. Financial needs, alternatives for securing stable funding, as well as appropriate grant programs are discussed in this section.

Current Funding and Financial Needs

Nearly all current programs are funded through grants, most of which only cover a period of two years or less. Marine sampling performed by the DOH is the only monitoring activity not funded by grants. Listed below are the major PIC activities that are currently or have historically been funded with grants:

- Water quality monitoring activities performed by CCEH
- Water quality monitoring activities performed by Streamkeepers
- Water quality monitoring activities performed by the JST
- Identification of unknown OSS and database development/updates required by RCW 70.118A
- All of the OSS outreach and education activities, including Septics 101 and 201 classes and online instruction, newsletters, and brochures
- All agricultural outreach and education, and technical and financial assistance activities performed by CCD
- Financial assistance for repair of failing OSS provided by CCD
- Corrective actions conducted CCD and CCEH including cost-sharing activities

The Clallam County general fund and septic permit fees support 1.5 FTEs for the OSS program. However, the vast majority of this general fund-supported work is related to new or replacement OSS design and installation and only limited complaint response and enforcement. No general funds currently support *Clallam County On-Site Septic System Management Plan* implementation. Grants fund the required OSS Management Plan activities, which include finding and repairing failing OSS in the Marine Recovery Area, records retention and database management, identification of all unknown OSS, tracking OSS inspections, and enforcement among other tasks.

Financial needs for implementing a comprehensive PIC program will vary depending on the pollution correction actions required. However, certain elements of the program are fairly predictable, including PIC program coordination, trends monitoring, and outreach and

education. Current estimates for annual costs for these three ongoing elements of a PIC program total \$110,000-120,000. The cost of implementing all other elements of the PIC program will vary depending on project area specific circumstances.

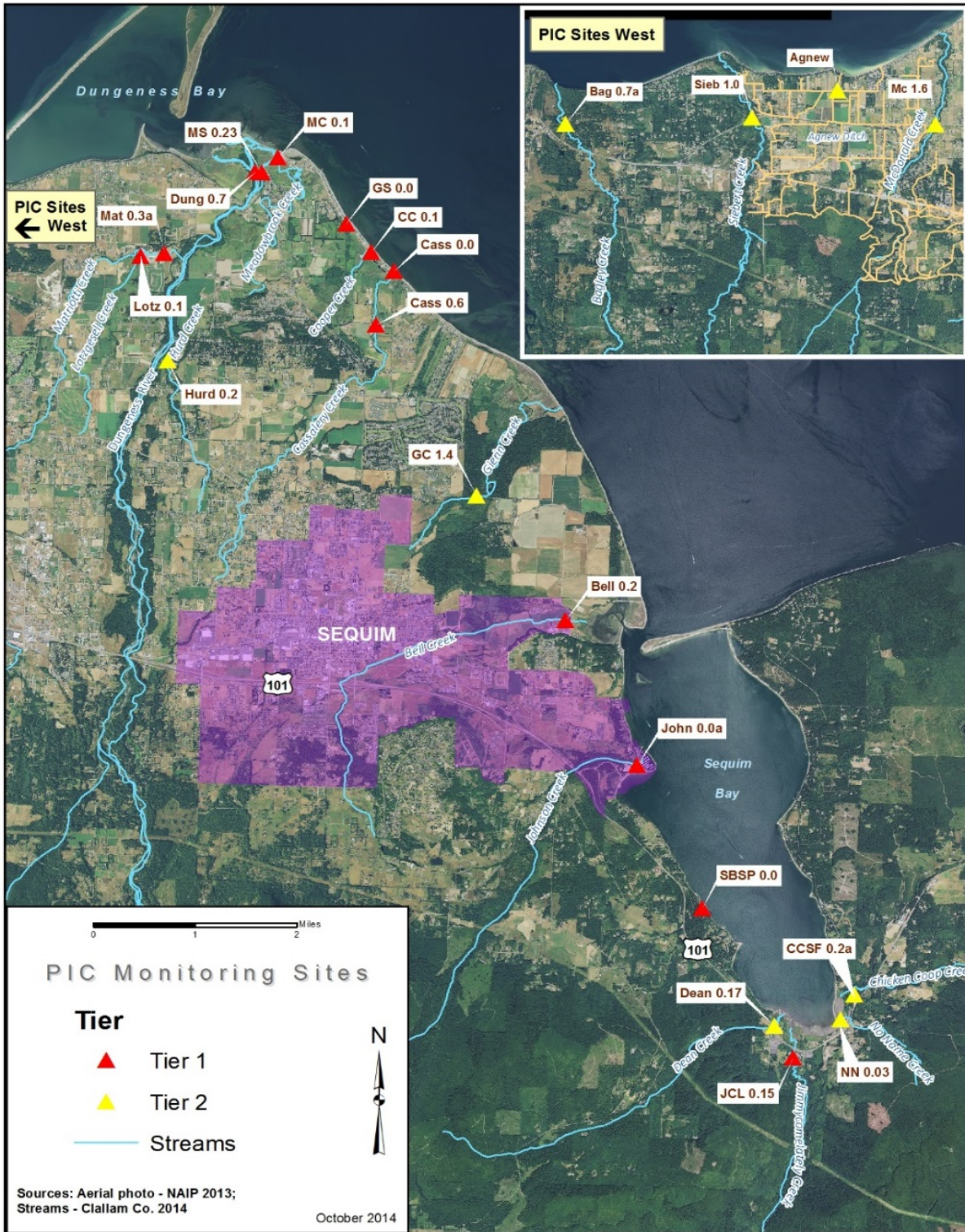
A table located in Appendix O provides estimated annual costs for implementing each of the various PIC program elements, except state agency activities, such as enforcement. Also in Appendix O are descriptions of options for securing stable funding and a list of potential grant sources for PIC project implementation.

FIGURES

Figure 1. Sequim Bay-Dungeness Watershed Clean Water District Map



Figure 2. Trends Program Monitoring Sites



APPENDICES

APPENDIX A – PIC Planning Task Force Members

APPENDIX B – PIC Flow Chart

APPENDIX C – Sample Press Release & Public Notification Templates

APPENDIX D – Public Meeting Guidelines

APPENDIX E – Sampling Procedures

APPENDIX F – PIC Project Work Area Rating Criteria & Worksheet

APPENDIX G – Procedures for Conducting Parcel Assessments

APPENIX H – OSS Testing Procedures

APPENDIX I – OSS Testing Field Equipment Checklist

APPENDIX J – Sample Pollution Notification Letters

APPENDIX K – Onsite Septic System Enforcement Protocol

APPENDIX L – Administrative Penalties Protocol

APPENDIX M – Civil Infractions Protocol

APPENDIX N – Common Agricultural Practices for Water Quality Protection

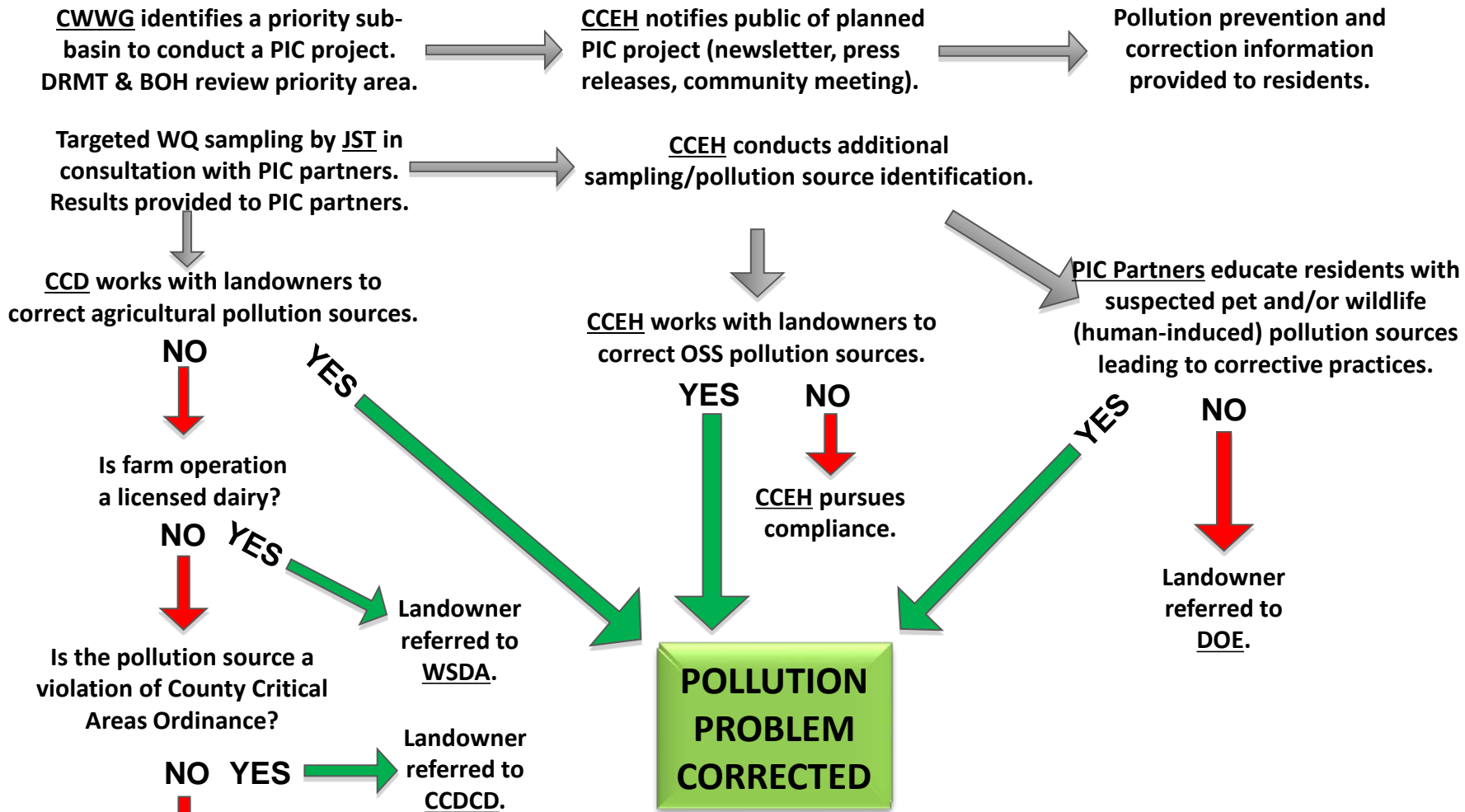
APPENDIX O – PIC Program Cost Estimates & Funding

APPENDIX P – Public Comments and Response

APPENDIX A: PIC Planning Task Force Members

- **City of Sequim**
 - Ann Soule, Water Resource Specialist
- **Clallam Conservation District**
 - Joe Holtrop, Executive Director
 - Matt Heins, Board Member
 - Jennifer Bond, Conservation Planner
- **Clallam County Department of Community Development**
 - Kevin LoPiccolo, Planning Manager
 - Dennis Lefevre, Senior Planner
- **Clallam County Environmental Health and Human Services**
 - Andy Brastad, Director
 - Janine Reed, Environmental Health Specialist
 - Carol Creasey, County Hydrogeologist
- **Clallam County Streamkeepers**
 - Ed Chadd, Program Coordinator
- **Jamestown S’Klallam Tribe**
 - Hansi Hals, Environmental Planning Program Manager
 - Neil Harrington, Environmental Biologist
 - Lori Delorm, Natural Resources Technician
 - Shawn Hines, Watershed Planner
- **Local Citizens and Landowners**
 - David Hamilton, Golden Sands resident
 - Matt Heins, Dungeness Farms Manager
 - Ivan Stocker, Graysmarsh Farm L.L.C.
- **Master Gardeners Program**
 - Douglas Ridgeway, Member
- **Washington State Department of Ecology**
 - Tammy Riddell, Project Manager – Water Quality Program
 - Derek Rockett, Permit Writer – Water Quality Program
 - Stephanie Zurenko, Nonpoint Compliance
 - Lydia Wagner, Water Cleanup Plan Coordinator
- **Washington State Department of Health**
 - Mary Knackstedt, EPA Grant Coordinator
 - Amy Georgeson, Shoreline Survey Lead
- **Washington State University Extension**
 - Bob Simmons, Olympic Region Water Resources Specialist

APPENDIX B - PIC FLOW CHART



| ACRONYMS | |
|---|---|
| PIC – Pollution Identification & Correction | CCD – Clallam Conservation District |
| CWWG – Clean Water Work Group | OSS – Onsite Septic System |
| JST – Jamestown S’Klallam Tribe | WSDA – Washington State Dept. of Agriculture |
| CCEH – Clallam County Environmental Health | CCDCD – Clallam County Dept. of Community Development |
| DOE – Washington State Dept. of Ecology | WSU – Washington State University Extension |

APPENDIX C: Example of Press Release and Fact Sheet

News Release

FOR IMMEDIATE RELEASE
DATE

CONTACT: NAME OF STAFF
(360) PHONE

County to Kick Off Pollution Identification and Correction Project

The Clallam County Environmental Health Section will hold a public meeting on Wednesday, October 15, 201X, from 7:00 p.m. to 8:30 p.m., at the Old Dungeness Schoolhouse, 2899 Towne Road, Sequim. The purpose for the meeting is to present information about a pollution identification and correction project planned for the _____ area.

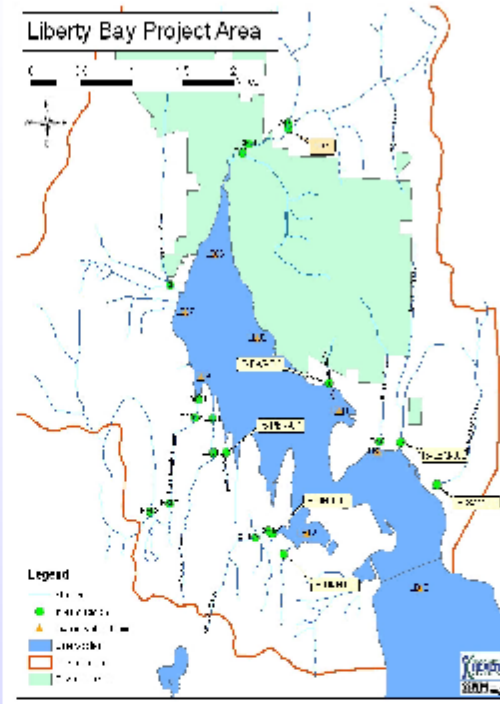
The goal for the project is to restore and protect shellfish growing areas by identifying and correcting sources of fecal bacteria pollution. This is a pilot project to test implementation of the recently adopted *Sequim-Dungeness Pollution Identification & Correction Plan*. The plan is available for review at [website and other sources]. A wide variety of printed information will be available, including... Clallam Conservation District staff will also be present to share information about agricultural best management practices.

Clallam County Environmental Health will be working with Streamkeepers of Clallam County, Clallam Conservation District, and the Jamestown S’Klallam Tribe to conduct this project. The project is being funded through an Environmental Protection Agency grant administered by the Washington Department of Health.

For more information, please contact _____ at (360) 417-??? or [email address].

Background

- ◆ Liberty Bay is 4 miles long and includes approximately 15 miles of shoreline with numerous streams that drain into the Bay. It is listed on the WA State Department of Ecology list of impaired waters for elevated fecal bacteria.
- ◆ Freshwater streams monitored by the Health District that do not meet water quality standards include: Dogfish Creek (south fork), Big Scandia, Little Scandia, Bjorgen and Daniels creek.
- ◆ Fecal pollution is an indicator of the presence of bacteria and viruses that can make people sick, impair water quality and adversely affect marine life. To reduce this pollution, the Health



District received a grant from the Washington State Department of Ecology to conduct a pollution identification and correction project in Liberty Bay from 2009-2014.

Pollution Identification and Correction

The purpose for this project is to identify and correct sources of fecal pollution. These sources may include failing onsite sewage systems, public sewer systems, pet waste & livestock waste and inadequate management of storm water systems.



APPENDIX D: Public Meeting Guidelines

Public meetings are held to inform and engage the community in a new project and to provide updates on existing or completed projects.

Public meetings are held at convenient and comfortable locations as close as possible to the project area. The elements of the public meeting include project partner introductions, a short presentation about the pollution problem, including available water quality data, and the goals and objectives for the project. Sufficient time should be allotted to enable the public to ask questions. A representative from each project partner should be present. Identify and target community groups in the project area to invite or possibly request presenting at one of their regularly scheduled meetings. Note, however, that non-community group members may be inhibited from attending meetings in which they are not members.

Members of the public that should be invited to these public meetings include: residents of the project area, local government representatives, the Clallam Board of Health, and grant officers.

Table 1. Guidelines for Public Meeting Preparation

| Timing | Preparation Chore | Tips |
|----------------------------------|--|--|
| 1-3 months in advance of meeting | Determine meeting date(s) and time(s) Select a meeting location and reserve venue | Find a comfortable meeting space within the project area. Review cost, seating capacity, available chairs and tables, audiovisual equipment access, and if setup will be needed or provided. An evening meeting time is essential for good attendance. |
| 1 month in advance of meeting | Prepare maps to be used for presentation | Coordinate with partners with trained staff. |
| 1 month in advance of meeting | Mailing List | Using the PIC property list, make mailing labels. |
| 2-3 weeks in advance of meeting | Complete meeting notice mailer and send | Use uniform design for all meeting materials. |
| 2-3 weeks in advance of meeting | Press release to newspapers. Notify Board of Health and other key stakeholders | Submit draft presentation to partners for review. |
| 1 week in advance | Gather materials for tabletop displays and maps | See the table of meeting supplies that follows. |
| 1 week in advance | Arrange for light refreshments in accordance with grant policies | |

Consider partnering with other agencies to assist with meeting preparation. For example, the Clallam Conservation District has a presentation on agricultural best management practices

(BMPs), and can arrange for agricultural property owners who have implemented BMP's to speak at meetings.

Clerical Support staff can provide assistance with making labels, mailers etc.

GIS Maps and PowerPoint Presentations

Get help with experienced staff for any technical elements or software you may not be familiar with. Plan ahead by making sure the documents and software of all presenters is compatible with the computer hardware to be used.

Meeting Supplies

It is helpful to have a plastic box dedicated to brochures and materials that will be taken to public meetings. It is useful to gather supplies well in advance of the meeting so that items can be added to the box as they are ready. Some suggested supplies include:

| Equipment | Supplies/Handout materials | Items for refreshments |
|---------------------------------------|---|------------------------|
| Stapler | Directional signs to meeting place and room | Coffee filters |
| Audiovisual equipment | Painters Tape | Coffee pot |
| Projector screen | Business cards for speakers and other programs | Creamer |
| Extension cord | Brochures/Fact Sheets | Sugar |
| Laser pointer | Sign-in sheets/Pens | Tea bags |
| Easels or tacks for directional signs | For speakers: Gum or mints, drinking water, cough drops | Bottled water |
| | | Napkins |
| | | Spoons |
| | | Tablecloth(s) |

APPENDIX E: Sampling Procedures

CONDUCTING WATER SAMPLING

When collecting samples, wear nitrile gloves. You may want to wear two sets of gloves when working on rough shorelines or terrain. Wash hands as soon as possible after sampling and before you eat.

It is important to leave some airspace in the bottle. If the bottle contains water above the 100ml line, shake well then slowly pour out the excess. Replace and tighten the cap, again taking care to avoid touching the neck of the bottle and the inside of the cap.

Note any unusual odors, matting, vegetative growth, laundry lint, food waste, temperature, animal tracks, animal waste, or any other characteristics that may indicate a sewage or laundry source at or near the water sample. Once the sample is collected and the bottle secured, place the bottle in a cooler with ice packs. The bottles should be kept below 10 degrees Celsius (holding time and temperature from *APHA Standard Methods*, 20th edition pp. 9-21).

Labeling and Recording samples:

- Use a black permanent marker (or regular pen) to label the 100 milliliter sample bottle with the sample identifier, date, and time the sample was collected on the label.
- Clearly record the sample name, collection time, location, drainage size, pipe diameter, and pipe material (if applicable) in the field notes.
- Record detailed parcel-oriented sample descriptions in the field notes so that outfalls can be re-sampled by different staff, if necessary.

Transporting samples

When water samples are collected, they should be transported in coolers with ice packs. The recommended temperature, according to *APHA Standards Method* is 10 degrees Celsius. Samples will be brought to the Clallam County Environmental Laboratory for analyses.

Chain of custody

Following the collection of all water samples, a chain of custody form must be completed and submitted along with the water samples to the Clallam County Environmental Laboratory. A chain of custody form is also submitted when additional analytical sampling is needed, e.g. ammonia, nutrients etc.

CONDUCTING SHORELINE SURVEYS

Conducting the shoreline survey

When you arrive at the “start” access point, park your vehicle safely, so that it will not obstruct other traffic. Place your business card (include your cell phone number), either on the dashboard or inside the driver’s side window, to provide contact information. Inspectors are responsible for knowing the rules for property access and consent. (See Appendix G)

Proper technique for collecting, labeling, and transporting samples is critical to ensure that sampling data is valid. To be representative, water samples should be collected from freefalling surface water flow, if possible. Sediments and surface bacteria can skew results.

- Labeling, recording, transporting and chain of custody procedures will adhere to the procedures described above.
- Collect water samples from all flowing discharge points including storm water outfalls, yard drains, bulkhead drains, pipes, drainage ditches, seeps, and sheet flow.
- Note any unusual odors, matting, vegetative growth, laundry lint, food waste, temperature, animal tracks, animal waste, or any other characteristics that may indicate a sewage or laundry source at or near the water sample.
- Wash hands as soon as possible after sampling and before you eat.
- Record detailed parcel-oriented sample descriptions in the field notebook so that outfalls can be resampled by different staff, if necessary.
- Note any characteristics that will help distinguish the property when accessed from upland so that the outfall can be easily found for resampling and the associated property address can be identified, if necessary.
- Record latitude and longitude of the discharge with a GPS unit and take digital photographs.
- Photographs are helpful for re-identification of sample stations during subsequent surveys.
- Generally one partner will collect the water sample and photo and the other will record field notes and GPS coordinates.
- Enter the sample information into a field notebook.
- NOTE: If necessary, a composite sample may be collected when there are multiple small discharges that appear to emanate from one parcel and/or are close together. Sometimes discharges are too small to sample without capturing underlying sediment. This is not a significant problem - simply try to minimize the amount of sediment collected.

APPENDIX F: PIC Project Work Area Rating Criteria

Each waterway or sub-basin is ranked according to available water quality data. These data will largely originate from the Trends Program, although other available water quality data will also be analyzed. Water quality data (bacteria and nutrients) are collected through the Trends Program on a monthly basis for Tier I streams and quarterly samples (bacteria only) for Tier II streams. These data are analyzed and summarized quarterly to determine the fecal coliform bacteria geometric mean for the most recently collected samples that cover a period of at least one year, if available. In addition, waterways are ranked based on the 90th percentile for fecal coliform. If nutrient data are available, waterways will also be ranked based on nutrient pollution.

The table below will be used to summarize water quality data and rank project areas. After ranking each waterway according to water quality criteria, additional criteria, such as proximity to shellfish harvesting areas and impairment, public health advisories, TMDL implementation recommendations, 303d listings, OSS areas of concern, and community involvement in recent or ongoing ecosystem recover projects may be considered to aid in the selection of a PIC project area. If additional criteria besides water quality are used in the selection process, those criteria will be described and documented in writing for consideration by the Dungeness River Management Team, the Clallam County Board of Health, PIC project stakeholders, and the general public.

APPENDIX G: Procedures for Conducting Parcel Assessments

NOTE: Inspectors must be familiar with the procedures for legal property access and inspection in Appendix K

Clallam County Environmental Health believes in the protection and safety of their employees. Do not put yourself in a situation that you perceive to be dangerous. Request assistance from another staff member or code enforcement if necessary.

Inspectors are encouraged to ask another inspector to accompany them if they are uncomfortable visiting a particular property alone or if they would like assistance assessing a possible problem or violation. However, there may be certain circumstances where this may not be necessary, such as consecutive visits (with owner/renter permission) to a property undergoing a dye test.

Cut the interview short if the homeowner shows any signs of hostility. If an individual makes threats or threatening gestures towards you, leave the property immediately.

Do not inspect the property in this situation. Drive away and find a safe location to note the details on the survey form.

When conducting the parcel investigation, it is very important that the inspector be confident, cordial, well-organized, and professional. The job of inspecting private properties to identify pollution sources is much easier when the public perceives the inspector as an objective and trustworthy professional. Developing a good relationship and trust with the owner/occupant is the key to a successful survey. When approaching a property, it is recommended to call out a friendly greeting and enter a property along the main access route to the front door. You may approach a residence using a recognized access route for the purpose of contacting the resident only. No investigation may be made without the property owners consent or a warrant.

Following no response inspectors may leave door hangers with a brief description for the purpose of the visit and their contact information. To provide education materials or information on the PIC program and implementation, PIC inspectors may leave door hangers at a gate or fence post. Plastic bags and rubber bands can be used to secure door hangers especially in windy or wet weather. Door hangers cannot be legally placed in or on mailboxes, which are legally reserved for U.S. Postal Service only.

It is recommended that inspectors staple their business cards to the bottom portion of the door hanger. This saves time, and provides complete contact information. Keep track of address, location, and contact information for properties that have received door hangers. PIC inspectors should make three attempts to contact each property owner/occupant by door hangers left at the door. One of these attempts may be on a Saturday. Note dates and results of contact attempts on the PIC parcel investigation form.

After the three attempts have been made to contact the resident with no response from them, a letter is sent to the property owner.

Meeting the owner/occupant

If the owner or occupant (must be over 18) is there, provide a brief, informational introduction about your visit, whether it be the reasons for the PIC project, the problem alleged in a public complaint, or deficiencies noted in the certified pumpers or maintenance specialists report.

The PIC survey form includes a checklist of topics that the inspector should address during the property survey. Using this form, provide the owner or occupant with a copy of their OSS records (when available). This is used to provide an overview of their system. Ask whether they have been experiencing problems with odors, soggy spots, or backups.

Make site-specific suggestions to protect their OSS investment (i.e. conserve water, route surface or ground water away from components, reduce waste strength, do not use harmful chemicals, and prevent physical damage).

It is important that the inspector walk over the drainfield during PIC project surveys, since this will enable the inspector to assess the condition of the system. **Remember: No investigation may be made without the property owners consent or a warrant.** Use this as an opportunity to educate the owner/occupant regarding the signs of septic system problems/failure, as well as what a properly functioning drainfield should look like. The purpose for the PIC survey is to provide education to the owner/occupant so that they may get the most life out of their septic system AND also for staff to conduct an inspection of the OSS (walk over the drainfield, assess the condition of OSS, and rate the system based on this inspection). This is a good time to identify whether the property is upland, streamside, on a marine shoreline, drains to stormwater systems, or has potential FC sources. The information from the property survey should be recorded on the PIC survey form. Following the inspection, PIC staff will assign a rating to the OSS. Table 2 provides the criteria for rating the onsite septic system.

Parcels where the owner/resident does not participate are rated “Did Not Participate.” Non-participating properties are evaluated by reviewing OSS records, noting other potential FC sources, and determining the proximity of surface waters to the property.

Property Access and Consent

Site Entry and Searches

Please refer to Appendix K for guidelines relating to site entry and consent.

Handling Dogs

Dogs can be a major threat in the field. You may want to carry dog treats to make friends with dogs in a project area. When entering a property, look for signs of dogs e.g. barking, doghouses or leashes. Stay in the car when dogs are present to assess whether the dogs are friendly or aggressive. Stay near the car with the door open for a minute or rattle a fence or gate and/or call out your name and affiliation several times to draw attention to yourself and listen for dog barking. If you feel confident that there is no immediate threat, continue to follow the main path to the front door. If there is a dog on the property, use your best professional judgment to decide if the dog is friendly or not. If the dog is friendly, continue with your approach to the front door. If not, wait a few minutes to give the resident time to notice the dog barking and come to the door. Note the address of the home, and if possible, the homeowner's name, and contact the homeowner/occupant by phone to schedule an appointment. You can also leave your business card or door hanger at the door or gate with the date and time you were on the site.

Assessment of OSS Performance

If the house has OSS records, use the records to help identify the location of the OSS components. If the house has no permit records, check the parcel assessor's building information for the residence date. Clallam's sewage regulations were originally developed in 1968. OSS records may not be available for properties that pre-date these regulations. You can ask the owner/occupant if they know the location of the septic system and whether a permit was obtained. Ask the owner/occupant for the name of previous owners. This may be helpful in locating records.

If OSS information is unavailable, locate the system by doing the following:

- Look for very lush, green grass growing in obvious stripes. Stripes generally indicate the location of drainfield laterals. Other indicators that may show the location of a drainfield include depressions, dead or dying grass, or no grass growth at all.
- Locate the plumbing vent pipe on the roof to identify where the plumbing leaves the house. Generally, the largest of these pipes is often directly above the point where the wastewater drain passes through the foundation. The drain location can also be determined by observing a clean-out or the house plumbing may be visible through a crawl space or basement.
- The septic tank is usually down-gradient of the house, near the kitchen and bathrooms, in a straight line from the plumbing about five to ten feet from the foundation. The drainfield is usually in a direct line down slope from the septic tank.
- Review the sewage disposal permit, as-built and plot plan with the owner/occupant to identify the likely locations of the system components. Check for and note any changes since the OSS was installed. Check the distance between components and surface water, drainage ditches, curtain drains, wells, and other structures both on the subject property and properties adjacent. Check to see if the dedicated reserve area and associated setbacks have been maintained. Look for any non-conforming conditions in the drainfield and reserve areas such as parking, driving, building, burning, or pasturing livestock.
- Observe the topography of the site to determine drainage of the property and whether surface water flows towards OSS components. Pay particular attention to the location and daylight of curtain drains. Drainage or transport lines may cross-connect septic effluent to surface waters. Curtain drains do not function as designed when the outlet is plugged.
- If the house is near a slope, channel, lake, or marine shoreline, look for drainage pipes or other discharges. Draw a rough sketch of the discharge location and photograph if possible. If pipes are flowing, ask the property owner/occupant for consent to take a water sample and note the date, discharge type and size, and any unusual features on the survey form. If pipes are not flowing, ask the owner/occupant if you may sample during wet weather.
- Evaluate the area over the septic tank, pump chamber (if applicable), and drainfield area with a walk-over/visual assessment.

The following may be used to identify symptoms of a failing drainfield:

Hydraulic Failure – Effluent ponding or breakout. The presence of lush green grass over the drainfield area can be evidence of upward capillary movement of water. Lush green vegetation associated with wet, soggy, soil is indicative of an OSS failure. Collect a sample of any standing or flowing water in the drainfield area or down gradient of the drainfield area. You may need to collect samples when the residents are using water. Note any animal or bird waste present in the drainfield area.

Odors – Noticeable sewage odor emanating from the OSS area may be an indication of failure but must be distinguished from decaying vegetation odor. **Odor alone is not sufficient to determine a failure.** Odor can be caused by normal OSS venting or unusual wind conditions.

Damage – Observe any indications of damage that may have occurred either before, during, or after the OSS was installed. Examples of damage to the OSS are soil removal, new or widened road cuts, landscaping (including rock walls and other cut banks in or near the drainfield area), patio installation, driveway construction, structures over the OSS, excessive soil backfilling over the OSS, or ruts caused by vehicular traffic or livestock.

Unusual Surface Features – Features such as eroded soils, evidence of digging, soil settling depressions, or added features such as sand, bark, or rock over the top of the drainfield area.

Greywater Discharge – Ask the property owner/occupant if all kitchen sink, laundry and bathroom sink and shower water goes into the septic tank. Walk all the way around the house to look for discharges. Laundry soap/bleach odors, clothing fibers and lint associated with a pipe discharge indicates a greywater discharge. Collect a sample if possible and take a photograph. Greywater can have high levels of fecal and other bacterial pollution. State and local regulations do not allow it to be disposed of on the ground surface or to surface or ground waters. Documented greywater discharges must be connected to the interior house plumbing. If this is not possible, it must be connected to the sewer pipe before it enters the septic tank. A follow-up dye test can be conducted to determine OSS functional status. Optical brightener testing is a tool that can identify some laundry discharges.

Dye Testing – Dye testing is a tool used in association with water sample results to confirm a failing OSS. Dye testing should only be used when the preponderance of the evidence collected suggests that a test is necessary. Please refer to Appendix I for details on dye testing procedures.

Optical Brighteners – Optical brightener sampling can be conducted to screen for wastewater and suspected greywater discharges. Optical brightener tracing is used in association with water sample results to determine whether laundry wash water is discharging to surface waters. Please refer to Appendix I for details on using optical brighteners.

Table 2. Criteria for rating OSS inspection results

| Rating Classification | Criteria for Meeting Classification |
|---|--|
| No Apparent Problems¹ | <ul style="list-style-type: none"> ✓ Completed/signed Onsite Sewage Construction Permit on file at Clallam County Environmental Health, or available from owner. ✓ No illegal repairs or alterations have been performed on OSS. ✓ All applicable setbacks and conditions in effect at the time of permitting are in place. |
| No Records | <ul style="list-style-type: none"> ✓ No completed/signed Onsite Sewage Construction Permit on file at the Environmental Health, or in possession of the owner/occupant. ✓ No Non-Conforming, Suspect or Failure criteria were observed. |
| Non-Conforming | <ul style="list-style-type: none"> ✓ Repairs or alterations have been performed on OSS without a permit ✓ Additional bedrooms have been added to the home (or business) without a permit. Additional living units have been connected to the OSS without a permit. ✓ Non-conforming conditions exist (such as insufficient setbacks from surface waters or wells, non-conforming use of dedicated reserve area, vehicular traffic on the drainfield). |
| Suspect | <ul style="list-style-type: none"> ✓ Drainfield area is saturated. ✓ Collected water sample results from bulkhead drains, curtain drains, or other pipes or seeps, at or above 200 FC/100 ml) and a negative dye-test. ✓ Collected water sample results from bulkhead drains, curtain drains, or other pipes or seeps, less than 200 FC/100 ml and positive dye-test. |

| | |
|----------------|--|
| Failure | <ul style="list-style-type: none"> ✓ Sewage on the surface of the ground ✓ Sewage discharged directly to surface water or upon the surface of the ground unless the discharge is under permit from WA DOE. ✓ Sewage backing up into, or not draining out of a structure caused by slow soil absorption of septic tank effluent. ✓ Sewage leaking from a septic tank, pump tank, holding tank, or collection system. ✓ Any component of an onsite sewage system or public sewer connection found to be broken, in disrepair, or not functioning as intended. ✓ Inadequately treated sewage effluent contaminating ground or surface water. ✓ Collected water sample result from bulkhead drains, curtain drains, or other pipes or seeps, at or above 200 FC/100 ml and positive dye-test results. ✓ Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists, or inadequately treated effluent contaminating ground or surface water ✓ Non-compliance with standards stipulated on the permit, with the regulations in effect at the time the system was approved for use, or with the regulations in effect at the time the structure was constructed or modified. ✓ Straight discharge (greywater or blackwater) from any indoor plumbing, including recreational vehicles, is observed and documented. |
|----------------|--|

Property Inspection Protocol

Legal references:

Article 1, section 7 of the Washington State Constitution reads as follows:

INVASION OF PRIVATE AFFAIRS OR HOME PROHIBITED.

No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

4th Amendment: “the right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. No warrants without probable cause particularly describing the place to be searched and the persons or things to be seized”.

14th Amendment: Due process of law and equal protection of the laws.

Private Property Access and Consent

This discussion of search and seizure law and access procedures is intended to provide guidance only. Search and seizure analysis is very fact-intensive and inspectors are cautioned to discuss field conditions with their supervisors and to seek legal counsel where appropriate. When in doubt, PIC staff should not access an individual’s private property, and should seek advice from legal counsel if there are any questions regarding entering private property.

Site Entry and Searches

You may approach a residence using a recognized access route for the purpose of contacting the resident only. No investigation may be made without the property owners consent or a warrant.

Conducting inspections or surveys or complaint investigations almost always requires the inspector to enter private property. Because the state and federal constitutions prohibit unreasonable searches, an inspector must decide whether he or she may legally enter a particular property to conduct an inspection. In all cases, an inspection can occur only if:

- The inspector makes observations from a place where the inspector may legally be without consent, or:
- After obtaining informed consent from a responsible party (owner or tenant).

To assist you in determining whether you may enter a property some basic constitutional doctrines are discussed below:

Reasonable Expectation of Privacy: There are two components to a reasonable expectation of privacy. The first is a subjective component: Does the person have a subjective expectation of privacy in a particular object or location? The second is an objective component: Is this expectation one that society recognizes as reasonable? Generally, a person has a reasonable expectation of privacy in his home, in the area immediately adjacent to the home, and in areas where he/she has taken steps to exclude the public and shield the area from the public's view.

Residence: A person always has a reasonable expectation of privacy in his/her home. You may not enter a person's home, except with the resident's consent, or a lawfully obtained warrant. *Consent* has three elements: (1) voluntary; (2) granted by a person with the requisite authority to grant consent; (3) search is limited to the scope of consent granted.

Curtilage: The land immediately surrounding and associated with the home, i.e., that area associated with the intimate activity of a home and the privacies of life. Curtilage receives the highest level of protection under both the federal and state constitutions. You may not enter the curtilage without a resident's consent, except as explained below. To help determine if an area is within the curtilage, answer these questions:

Q: How close is the area you want to inspect to the house?

A: *The closer the area you want to inspect is to the house, the more likely it will be considered within the curtilage.*

Q: Is there a fence or other enclosure that surrounds the house *and* the area you want to inspect?

A: *A fence that surrounds the house suggests the limits of the curtilage. Accordingly, where a house is situated on a standard lot and the lot is fenced, that is the limit of the curtilage. On a larger piece of property there may be a fence around the perimeter of the property, and an inner fence enclosing the house. In that case, the interior fence would indicate the limits of the curtilage. A clearing or maintained area has the same effect. Thus, on a larger piece of property that is forested, the cleared area surrounding the house would indicate the limits of the curtilage.*

Q: What is the area you want to inspect used for?

A: *The concept of the curtilage is to protect those activities normally associated with the home and the privacies of life. Thus, if an area near the house is used for family or personal activities (e.g., play area, patio, garage), then it is probably within the curtilage. However, if the area is used for activities not associated with home life, especially illegal activities, then it probably will*

not be considered within the curtilage. You may use evidence you observe from the road or a neighbor's property, or information a neighbor gives you, to determine if an area is being used for an activity associated with the home or some other activity.

Q: Has the resident taken any steps to protect the area you want to inspect from observation of passersby?

A: If a fence -- especially a sight-obstructing fence -- or hedge shields the view of the house from the street and neighboring properties, then the area within the fence or hedge will probably be considered within the curtilage.

Q: Can an inspector ever enter the curtilage?

A: Yes. You may enter the curtilage to contact the resident. In doing so, however, you may use only a recognizable access route, such as a driveway, walkway, or path. Approach the house as any reasonably respectful citizen would. Normally, you should not enter a side or back yard. You may, however, call out or try to get someone's attention if you see or hear something that leads you to believe the resident is in a side or back yard. Do not perform any formal investigation unless/until you have obtained informed consent and/or a warrant.

Other factors to consider when conducting an inspection of private property:

Open Fields: Areas that are outside the curtilage are considered "open fields" An open field doesn't need to be either "open" or a "field." It could be a thickly wooded area or a beach. Generally, an open field is any unoccupied or undeveloped area outside the curtilage.

In many instances, you will be able to enter open fields without the permission of the owner. However, you need to consider whether the owner has manifested an "expectation of privacy" in the area you want to enter. Some manifestations of an expectation of privacy are: 1) a long driveway; 2) "No Trespassing" signs; 3) fences, especially sight-obstructing fences, or maintained hedges; 4) a locked gate; or 5) the area cannot be seen from a road or neighboring property.

Each situation is different, so it is not possible to provide a blanket rule for entering open fields. If in doubt – don't enter!

Open View: If you are in a place you may legally be, such as a roadway, public property, a neighboring property that you have permission to be on, or are approaching the residence via a recognized access route, then you can base an enforcement action on anything you can see from that vantage point. Accordingly, if a person allows you in his/her backyard, and you can see the violation, you can write a notice and order to correct the violation or a notice of civil infraction, based on what you can see from the neighbor's property. You may take photographs from a place you may legally be.

Plain View: The plain view doctrine applies when you have entered a property with the resident's consent. The plain view doctrine allows you to use anything that you see inadvertently as you walk through the area. The object must be in plain view; you may not move anything. You may not remove a lid on a trash container to see inside. Plain view works the same way when the resident has given you permission to look around. If you want to see inside or under something, ask the resident if it's okay.

Consent: An inspector obtains valid consent to inspect when he or she asks the resident for permission to conduct an inspection and receives an affirmative response through words or

action. Do not tell property owner you will obtain a search warrant. Threats to obtain a warrant can obviate/vitiate consent.

When seeking consent to access a property, it is important to set the property owner's or user's expectations. Explain the purpose of your entry into a residence or curtilage and explain the scope of consent you are requesting. Document the consent in field notes, including the circumstances under which it was obtained: when(date/time), why (to observe area) from whom it was requested, how it was obtained (verbal, in writing, in person), and any limitations on time, location, and repeat visits.

Avoid statements like "I'm going to look around," or "I have to inspect the property". A person who submits to an inspection after such a statement has not necessarily given his/her consent to the inspection and a court could suppress anything that is found during the inspection. **If the person is reluctant or asks whether he/she may refuse, the inspector must tell the person that he/she may refuse or limit the scope of the inspection.**

Where two or more persons may claim a reasonable privacy interest in a particular dwelling or premises, consent given by one individual may be valid only as to common areas and to the specific area over which the giver of consent has authority or control.

Administrative Search Warrant: State and local agencies are allowed to conduct administrative searches when implementing their civil enforcement authority, where specifically authorized by statute. See CCC 41.20.250 (13) *Right of entry and RCW 70.118.030*. Search warrants allowed under this RCW are limited to marine water areas

The local health officer may apply for an administrative search warrant to identify failing septic tank drainfield systems. The administrative warrant application may be based on specific evidence of an existing violation or on a general inspection program based on reasonable legislative or administrative standards for conducting an area inspection.

Per Clallam County Prosecuting Attorney Office: Informed Consent and Admin Search Warrants will always be the best way to gain access to private property. Working without either of these two basis will expose the County to legal liability.

There is case law that supports local governments acting without an admin search warrant. See *Peters v. Vinatieri*, 102 Wn. App. 641, 651, 653, 9 P.3d 909 (2000). However, such instances needed to be evaluated on a case-by-case basis and are very fact specific. See *Peters*.

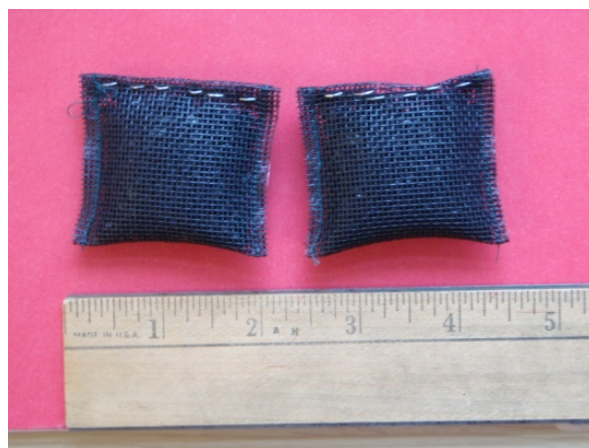
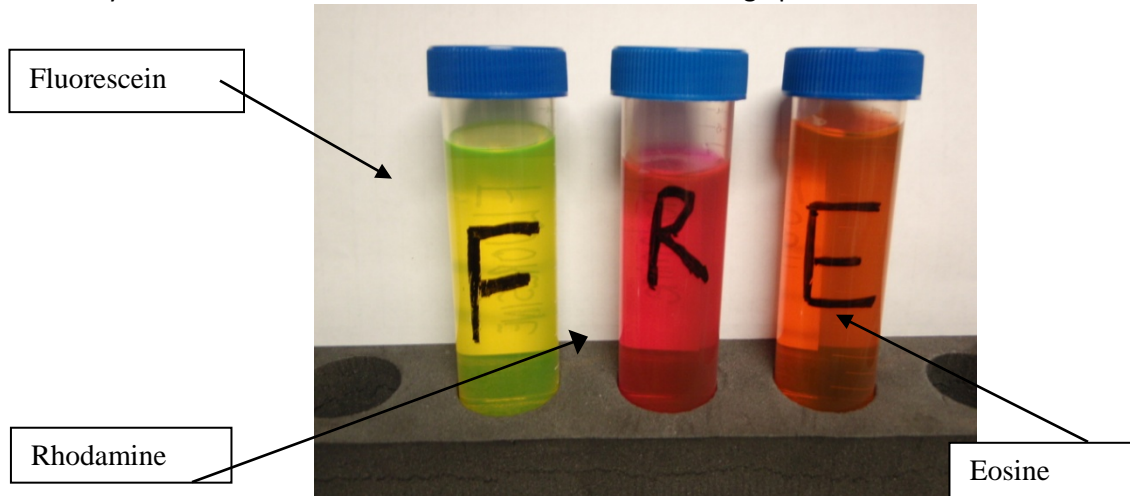
APPENDIX H: OSS Testing Procedures

Dye Testing Procedure

CCEH utilizes methods developed by Dr. Tom Aley, of Ozark Underground Laboratories (OUL). Reference documentation regarding the procedures for the analysis of dye testing may be found at the OUL website, <http://ozarkundergroundlab.com>.

<http://ozarkundergroundlab.com/Downloads/Procedures%20and%20Criteria%20110901.pdf>

CCEH purchases three fluorescent dyes from OUL to dye-test OSS: Fluorescein (a green-yellow dye that is generally easier to see and the least expensive), Rhodamine WT (a purple-red dye) and Eosine (a pink-green dye). By using three different colored dyes, dye testing a large survey area can be accomplished more efficiently since up to three homes can be dye tested simultaneously. Select dye in consultation with the project lead and/or program manager. Charcoal packs (packs) utilize activated charcoal to adsorb dye and are used to confirm a hydraulic connection between the OSS and the discharge point.



Two charcoal packs

To meet the goals and objectives of the PIC project, dye testing shall be conducted in the sequence outlined below:

Checklist for conducting a dye test

- Develop a plan in advance for dye testing. This should include the type of dye to be used, locations of packs, and how to secure and camouflage the packs. The inspector should consult with the project lead or Field Supervisor if they are unsure how to proceed.
- Place a control sample charcoal pack one week prior to introducing the dye. The control should be placed in an outfall pipe, or area that has shown elevated (FC levels). It is important to place a control sample to determine the background. It has been shown that fluorescein may appear in tap water, or if fluids from vehicles on the property have leaked, they will contain the color of certain dyes (antifreeze contains fluorescein and transmission fluid has a pink color similar to rhodamine).
- Use nitrile gloves to handle and replace the charcoal packs before dye is handled. Wear gloves when handling or introducing dye. Dispose of gloves and used dye bottles in a manner that will prevent cross contamination of dye testing materials. For example, after introducing dye into fixtures in a house, place empty dye bottle along with gloves into the Ziploc bag that was used to store the dye bottle.
- Use two charcoal packs to make up each sampler. The duplicate can be stored frozen and sent to OUL for spectrofluorophotometric analysis as necessary.
- Charcoal packs should be placed in the same location as the control and in one or more locations down gradient of the potential source. Remember that the sample locations must be in areas where the water samples results exceeded the targeted fecal threshold.
- Prior to introducing dye into the OSS, retrieve the controls and seal them into Whirl-Pak™ bags clearly labeled in black permanent marker with sampler address, location, and dates and times placed and retrieved.
- Store retrieved charcoal packs away from dye supplies and out of the sun. A clean cooler and ice packs are used to transport the retrieved charcoal packs to the office. Store them in a dedicated freezer to prevent algal growth that interferes with dye identification.
- After retrieving the controls, place another set of charcoal packs in the same location. Note the date and time the controls were retrieved and the new packs replaced on the PIC survey form. Place the retrieved packs into a Whirl-Pak™ bag and label it with the date and time retrieved.
- Map charcoal sampler locations in field notes or on the PIC survey form.
- Cover charcoal packs with a rock, board, or other object to prevent sun exposure, algae growth, and disturbance. Make sure, especially along marine shorelines or within creeks, that they are secured (i.e. heavy gauge wire, fishing line, cinder blocks, or stakes, washers, and/or cricket cage). Carefully describe and/or mark locations on the map and/or PIC survey form.
- Note which dye you used on the PIC survey form. Generally, fluorescein is easier to see and is the least expensive. Before introducing dye, make sure the owner/occupant hasn't experienced any recent backups. Carefully introduce a total of 500 milliliters of the prepared dye solution equally into all toilets, the kitchen sink, and a laundry sink.



TIPS: 1) Flush the toilet first, before introducing dye, to be sure it is working properly!
2) Run water in sinks to wet surfaces to avoid permanent staining

- After introducing the dye, flush the toilet twice, or more if necessary, to flush residual dye from the bowl. Clean up any splashes with toilet paper. Replace the dye bottle lid, place used gloves and bottle back into the resealable plastic bag, and close the bag tightly. Keep used bottles away from all other dye testing supplies.
- When you return to work, dispose of used gloves in the appropriate receptacle in the lab and return the used bottles in their plastic bags to the dedicated used-bottle storage area for reuse. Do not bring dye bottles into the office to prevent cross-contamination.
- Retrieve the first set of dye-packs approximately one week after dye introduction using the procedures specified above for retrieving controls. Replace with another set of charcoal packs. Note the retrieval and replacement information on the survey form.
- Retrieve the second and third set of dye-packs one week following placement using the procedures specified above.
- Typically dye testing is conducted over a three week period. However if you suspect low water flow in the residence or intermittent failure, the dye test can be extended additional weeks by placing additional charcoal sets, as needed, on a weekly basis.

Sending Charcoal Packs to OUL

Charcoal packs may be sent to OUL for spectrofluorophotometric analysis. Typically this is done when there is an absence of visual dye in the charcoal, and the OSS has suspect or non-conforming conditions.

Send the duplicate charcoal sampler to OUL for analysis. Pack packs in a plastic bag with a cold pack, and ship to arrive within two business days. Expedited shipping prevent algae growth that could obscure dye results.

A chain of custody form and a letter from CCEH requesting analysis must be included in the package containing the charcoal sample r(s). Several packs may be shipped at the same time. The chain of custody form is available from OUL.

Optical Brightener Procedure

Optical brightener testing is another tool used to assess fecal hotspots, or when the discharge of greywater is suspected. Optical brighteners are fluorescent white dyes found in laundry soaps and detergents that absorb ultraviolet light and emit visible blue light. They are removed by adsorption onto soil and organic materials. Recovery of optical brighteners indicates that greywater is being discharged and/or wastewater is not being adequately treated. This makes optical brighteners useful to trace wastewater and greywater discharges. CCEH conducts optical brightener sampling in accordance with protocols developed by Ozark Underground Laboratories.

Optical brightener packs consist of cotton-test fabrics which have not been optically brightened. The packs adsorb optical brighteners present in laundry detergent and are used to indicate a greywater or sewage connection to the discharge point. Packs must be deployed as close as possible to the potential discharge in order to absorb the optical brighteners.

Store optical brightener packs in new re-sealable plastic bags isolated from potential sources of laundry soaps and detergents.

To perform optical brightener testing follow these steps:

- Wear disposable nitrile gloves when handling optical brightener pads.
- Place cotton packs in locations where either visual evidence indicates a discharge and/or in locations in which elevated water sample results were collected. Place packs in a location where they are not likely to be seen or hide them with rocks.
- Anchor the packs with sturdy copper, galvanized wire, or plastic garden ties to a large rock or brick, leaving at least an inch of space between the sampler and the anchor. Ensure they are placed in a location where they are well-exposed to the water flow. Do not use iron wire or old galvanized wire which may leave rust stains that could interfere with the analysis.
- Carefully describe, map, and/or mark, cotton sampler locations, and record dates and times placed and retrieved on the PIC survey form.
- Retrieve optical brightener pads after one week of placement, briefly rinse in water flow, squeeze out excess water (do not wring), and place in new re-sealable plastic bag. Label bag with sampling station, date and time sampler was placed and recovered. Do not put any label or used anchoring wire inside the bag. Use a permanent black pen to label the bag.
- Refrigerate or freeze the optical brightener pads until shipment.

The pads do not need to be shipped overnight, but it is advisable to ship them so that arrive within a few business days. Include the chain of custody form from OUL along with a letter requesting sample analysis.

APPENDIX I: OSS Testing Field Equipment Checklist

Sampling/Testing Equipment

- 100ml sterile plastic water sample bottles.** Used to collect water samples for FC analysis.
- Sample wand.** Telescoping wand used to collect water samples.
- Cooler with ice packs.** Used to store samples until delivered to lab.
- Digital camera.** Used to document violations/items of interest. Inspectors are issued a digital camera in the Pollution Identification and Correction Program.
- Dye tracers.** Ready-for-use individual liquid dye mixtures in 500 ml Nalgene® bottles stored separately from other PIC supplies in a water proof container. Used to dye-test OSS.
- Charcoal packs.** Used during dye tests to “catch” dye.
- Whirl-Pak™ bags or other appropriate storage container.** Used for storage of individual control and dye packs retrieved from sampling sites.
- Water proof markers, e.g. “Sharpie”.** Used to write on water sampling bottles for identification purposes.
- Rubber bands and plastic bags.** Used to post and protect written materials left for property owners/occupants.
- Chlorine bleach solution.** Used for cleaning-up water spigots prior to collecting drinking water samples. Wear gloves while handling.

Required Paperwork

- OSS permit records.** Used to assist inspectors locate the OSS on a specific property.
- OSS operation and maintenance records.** Used to determine if the alternative OSS on the property has been properly maintained through the monitoring and maintenance program.
- PIC survey form.** Used to record needed information regarding the property being inspected.
- PIC door hanger.** Used to inform area residents that a Health Inspector visited that property, and to provide information regarding the purpose of this visit.
- Onsite Septic System Home Owners Handouts.** Used to provide basic information about various types of onsite sewage systems and what to do to maintain these systems.
- Onsite Sewage System Repair information.** Used to assist residents with failing OSS.
- Write-in-the-Rain notebook.** Used to map sampling locations.

Safety Equipment

- Clallam County Environmental Health identification.** Used to identify yourself to property owners. Badges are issued to the inspector.
- Clallam County Environmental Health business card.** Used in conjunction with badge to identify yourself to property owners. Cards are issued to the inspector.

- Cellular phone.** Inspectors are issued a cellular phone for use while conducting PIC business, or they may use a personal cell phone.
- Disposable latex gloves.** Used to protect an inspector from pathogenic organisms that are associated with sewage.
- Personal Protective clothing** may include steel toe or safety toe boots and rain gear (jacket and rain pants).
- Hand-wipes/sanitizer.** Used to clean hands. Always use a hand-wipe after collecting water samples or charcoal packs.
- Chlorine bleach solution.** Used for cleaning-up spilled dye. Wear gloves while handling.

—

APPENDIX J: Sample Pollution Notification Letters



Clallam County Department of Health and Human Services

Environmental Health Services ♦ 223 East 4th Street, Suite #5 ♦ Port Angeles, WA 98362-3015
Tele: 360-417-2258 ♦ FAX: 360-417-2313

[DATE]

[ADDRESS]

Dear [PROPERTY OWNER NAME]:

On behalf of all the partner agencies and organizations working on the [SUB-BASIN NAME] Pollution Identification & Correction (PIC) Project, I want to thank you for cooperating with recent water quality sampling. Your assistance has allowed us to narrow down a source of pollution affecting [WATERWAY NAME].

Our water quality sampling and land-use assessment work led us to believe that some of the pollution may be originating from your property and we wish to continue working with you to focus on this. Clallam Conservation District (CCD) is available to work with you to further study the source of pollution and develop a plan to improve the water quality on your property. CCD staff can also help you with the implementation of your plan by providing both technical and financial assistance.

Please call Clallam Conservation District conservation planner Jennifer Bond at 775-3734 at your earliest convenience to schedule an appointment.

Again, thank you very much for your cooperation with this effort to identify and to correct the contamination of [SUB-BASIN NAME]. Water pollution is a community health concern and a health concern for you and your animals. We are striving to work as a community to identify and correct the pollution sources. If you have any questions or concerns, please do not hesitate to call PIC Program Coordinator Andy Brastad at 417-2415 or you can email him at abrastad@co.clallam.wa.us.

Respectfully,

Thomas H. Locke, MD
Clallam County Health Officer

Cc: Clallam Conservation District

Enclosures: CCD Overview Brochure
CCD Farm Planning Brochure
CCD Cost-Share Brochure



Clallam County Department of Health and Human Services

Environmental Health Services ♦ 223 East 4th Street, Suite #5 ♦ Port Angeles, WA 98362-3015
Tele: 360-417-2258 ♦ FAX: 360-417-2313

[DATE]

[ADDRESS]

[ADDRESS]

Sequim, WA 98382

Dear [PROPERTY OWNER NAME]:

On behalf of all the partner agencies and organizations working on the [SUB-BASIN NAME] Pollution Identification & Correction (PIC) Project, I want to thank you for cooperating with recent water quality sampling. Your assistance has allowed us to narrow down a source of pollution affecting [WATERWAY NAME].

Our water quality sampling and land-use assessment work led us to believe that some of the pollution may be originating from your property and we wish to continue working with you to focus on this. PIC staff would like to schedule a visit with you to further study the source of pollution and explain the technical and financial assistance that may be available to you.

Please call our PIC Program Coordinator Andy Brastad at 417-2415 at your earliest convenience to schedule an appointment.

Again, thank you very much for your cooperation with this effort to identify and to correct the contamination of [SUB-BASIN NAME]. Water pollution is a community health concern and a health concern for you, your family and your pets. We are striving to work as a community to identify and correct the sources of pollution. If you have any questions or concerns, please do not hesitate to call Andy or email him at abrastad@co.clallam.wa.us.

Respectfully,

Thomas H. Locke, MD
Clallam County Health Officer

Enclosures: CCD Onsite Septic Cost-Share Brochure

APPENDIX K: ONSITE SEPTIC SYSTEM ENFORCEMENT PROTOCOL

Response (Enforcement) Protocol

This protocol outlines the procedures to be taken to assess complaints and violations. It is intended to provide direction for proper procedure and documentation should a case require formal enforcement. It also provides instruction for employee safety and guidance on general legalities.

Primary reference Chapter 41.20 CCC

Part A: Complaint Response Protocol

Part B: Site investigation

Part C: Enforcement Priority

Part D: Referral to the Prosecuting Attorney Office

Appendix A: Notices of Violation and Enforcement Orders

Appendix B: Sample Notice of Violation

Appendix C: Sample Written Plan of Action

Appendix D: Site Visit Notice

Appendix E: Using Outlook for Reminder Notices

Appendix F: Property Inspection Protocol

Appendix G: Written Assurance of Discontinuance/ Voluntary Compliance Schedule

Part A: Complaint Response Protocol

Complaint intake:

- Use 'pink' complaint report form.
- Note date and time complaint received.
- Location of complaint including address and specific directions to site.
- Owners name, address and phone number if known.
- Description of complaint and where the problem is located. Can the problem be seen from the road?
- Ask for name and number so that we may call them back with an investigation report.

RCW 42.56.240(2)* only allows for confidential "if" (1) disclosure would endanger life, physical safety, or property; and (2) at the time of complaint, the complainant indicates a desire for nondisclosure. We cannot guarantee confidentiality.

**RCW 42.56.240(2) reads as follows:*

"The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter: ... Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern."

Thus, a complainant may request to remain anonymous. However, unless disclosure would endanger the complainant's life, physical safety, or property, then EHS will likely be unable to protect the identity of the complainant if a request for the complaint is made.

- Document what the complainant tells you. Thank them for their concern and assure them we will respond as soon as possible.
- Assign complaint number and enter the information in permit plan.
- Assign an initial Priority Number (1, 2, or 3) based on nature of complaint (see See Part C Enforcement Priority)
- Solid Waste issues are to be referred to the solid waste sanitarian.
- For Landlord/Tenant problems refer them to the Landlord Tenant Act; Peninsula Dispute Resolution Center, (360) 452-8024; or Clallam County Pro Bono Lawyers (360) 452-4726 (ext. 5)

Before site visit:

- Look up owner's parcel number and permits on file. Attach copy of septic as-built if found.
- Forward complaint to a sanitarian.
- If it can be determined from the office that the complaint is not justified (i.e. installing a system without a permit when there is one on file), make the appropriate notes. Do not throw away any complaints that come in.
- For the field: take necessary paperwork (complaint report, septic permit), site visit notice, business cards, lists of septic professionals, appropriate brochures (septic care, loan information) along with sample bottles, ice chest, gloves, dye for dye tests, and camera.

Part B: Site investigation

See Property Inspection Protocol (Appendix F) for additional guidance

Clallam County Environmental Health believes in the protection and safety of their employees. Do not put yourself in a situation that you perceive to be dangerous. Request assistance from another staff member or code enforcement if necessary.

When conducting the property inspection it is very important that the inspector be confident, cordial, well-organized, and professional.

You may approach a residence using a recognized access route for the purpose of contacting the resident only. No investigation may be made without the property owners consent or a warrant.

- Take necessary paperwork (complaint report, septic permit), site visit notice, business cards, lists of septic professionals, appropriate brochures (septic care, loan information), along with sample bottles, gloves, ice chest, dye for dye tests, and camera.
- Park in driveway or on road. Never block driveway or other vehicles. Honk twice if you see any evidence of dogs on property and assess situation to assure yourself it is safe to leave vehicle. Use common sense and protect yourself.
- If the driveway is gated and posted, leave site visit notice there. Do not walk in.
- Do not enter if the property is posted 'No trespassing', or if entrance has been specifically forbidden by the property owner. Seek permission from the property owner first, if refused, an administrative search warrant may need to be pursued. Do not mention the fact that you can get a search warrant. Recognize they have the right to not grant access.

If not gated or posted, you may enter the property using a recognized route of access. Go directly to the main door. It is okay to call out a greeting if someone is seen working outside.

- If no one is home:
 - Leave a visit notice. *If complaint investigation is conducted on a Friday, do not leave a site visit notice to avoid frustration and anger building up over the weekend.*
 - Do not investigate if no one is home.
 - Do not touch anything.
 - Do not take pictures on the property without the owners' or tenants' permission.
 - You may take a picture from the road or adjacent property with the adjacent property owner's permission. (This is the Open View Doctrine).
 - Do not leave anything in a mailbox (it is illegal).
- If someone answers the door:
 - Introduce yourself, showing county ID and give them a business card.
 - Tell them you are investigating a "report" (try not to use the word complaint) of whatever condition.
 - If the condition has been visible from the car to door, you can verify if the complaint is justified; if it is not immediately visible, request permission to investigate. Recognize they have the right to not grant access. Do NOT mention or threaten a search warrant.
- If there is a question about the source of the sewage, or whether or not it is sewage, with permission conduct a dye test and/or take a sample. Inform the owner what the tests are and what they will show.
- Take pictures (with permission) either from the site or from the road if no one is home and the problem is visible. Documentation at this point is important in the event of future enforcement.
- Explain health risks associated with each case and provide them with the necessary information to start clean up of the problem, i.e. designer lists, pumper lists, septic care brochures and financial assistance brochures.
- If a drainfield failure is indicated, they will need a licensed designer and repair permit.

After the site visit:

- Document site visit, observations, photos, samples taken, etc., on complaint form.
- Send Notice of Violation if verified
- Set up reminder notices to follow-up on complaint status - see "Using Outlook for Reminder Notices" (Appendix E)

Part C: Enforcement Priority

1. Priority One Violations (rare)

A priority one violation is defined as: Any violation resulting in a reported case of illness or injury resulting from environmental health factors including sewage.

- To be investigated as highest priority, to the exclusion of other duties and appointments if necessary.

- Investigation to be conducted immediately to determine validity of the report, follow site investigation protocol.
- Hazardous condition must be corrected or mitigated immediately or the facility and/or operations causing the hazard will be closed by order of the Health Officer. (RCW 70.05.070 (2), (3) & (5))
- Factors causing the hazardous condition must be corrected before the closure order is lifted.
- Notice of Violation and Enforcement Order (NOV-EO) shall be issued within one working day of verification of the violation.
- A written plan of action from the responsible party will be required, outlining corrective action to be taken to prevent future problems and dates for completion. The plan must be submitted within 7 calendar days of the Notice of Violation-Enforcement Order; corrections to be made within 2 weeks.
- Compliance plan will be monitored to assure factors leading to hazardous condition are completed according to the plan.
- Penalties may be assessed beginning the first day of non-compliance.
- Violations will be referred to the prosecutor if not corrected in the manner specified. Environmental Health Staff will use the County Legal Action Request Form. The packet is to include copies of all correspondence, photos, samples, test results and any other pertinent information.
- All closure postings, stop work orders, and the like will be removed when it has been verified that the plan of action has been completed.

2. Priority Two Violations (seldom)

Priority two violations are defined as: Any environmental violation or safety hazard with a high potential for resulting in illness or injury. These would include, for example, specific first hand reports of inadequately covered cesspools in populated areas; sewage discharging or draining into surface water; surfacing sewage within 10' of surface water.

- To be investigated within 3 working days, following site investigation protocol.
- Site to be inspected to verify the violation, a verbal order to immediately cease and desist may be appropriate.
- A written Notice of Violation-Enforcement Order to be sent within 2 working days following confirmation of the violation. The NOV-EO is to advise the violator to contact the Environmental Health Section within 7 working days to develop a plan of action for correcting the violation. (Proposed Plan of Action should be included with the letter.) The letter shall also contain a warning of enforcement action that can be pursued if the violation is not corrected voluntarily within the timeframe specified; and the procedure to follow for an appeal. This notice is to be sent via certified mail or delivered in person.
- A second NOV-EO will be sent if the violator fails to respond or comply with the timelines specified in the plan of action. This notice is to be sent within 7 working days of any missed action. This order will require the responsible party to:
 - a. submit a written plan of action within 5 working days
 - b. stop all discharges within 2 working days
 - c. submit any appropriate designs or permits and fees
 - d. complete all necessary steps to correct the violation and prevent its recurrence

The second NOV-EO shall also warn the responsible party of the legal remedies that will be pursued if the order is not followed, and the procedure to appeal.

- A final notice will be sent within 7 working days if the responsible party fails to respond or comply with the timelines set forth. This letter will warn that if all corrections are not made within seven (7) working days, legal remedies will be pursued that may include, but not be limited to, fines, posting of Notice to Vacate, Stop Work Orders and/or referral to the prosecutor's office..
- If the responsible party fails to comply, a Civil Infraction Notice or Administrative Fine is to be issued.

3. Priority Three Violations: (most common)

Environmental violations or safety hazards with a moderate to low potential for resulting in illnesses or injures but without the imminence or degree of hazard found in priority 2 violations such as: surfacing sewage not contacting ground or surface water, intermittently surfacing systems.

- Complaints shall be investigated within 7 working days, response protocol shall be followed.
- If responsible party is on-site, a verbal order shall be issued to make corrections in as short a time as is reasonably possible. A written Notice of Violation is still required.
- A Notice of Violation and Order shall be sent within 7 working days of verification of the complaint, requesting the responsible party to respond with a written plan of action within 14 working days, and warn of the legal remedies that may be taken for failure to comply.
- Further notifications and enforcement shall follow the procedure as for Priority Two violations, but timelines may be extended. However in no case should the violation be allowed to continue for longer than 6 months. A Civil Infraction Notice or Notice of Administrative Penalty may be issued for failure to respond to a third notice or abide by the terms of a written plan of action.

It is understood that circumstances beyond the violator's control may make it impossible to follow enforcement timelines. In those cases where the violator is making a good-faith effort to comply, timelines will be extended to accommodate the circumstances of the situation, PROVIDED, measures are taken to mitigate any immediate health hazard associated with the violation.

Part D: Referral to the Prosecuting Attorney Office

Referral is to be made to the Prosecuting Attorney's office when 6 months from the original date of the violation has passed, and/or after all measures to correct violation have failed, and/or progress toward correction of violation has stopped. Referrals shall be made using the Request for Legal form or appropriate form as provided by the Prosecuting Attorney office, and shall include copies of all correspondence, file notes, results of water and/or dye tests, and photos if taken.

Appendix A: Notices of Violation and Enforcement Orders

All notices and orders are to be in writing and include:

(a) Name and address of the property owner and any other persons to whom the order is directed; (Note: the property owner must be notified.)

(b) The street address, assessor account number and/or other description sufficient to identify the property or building or structure upon or within which the violation has occurred or is occurring.

(c) Briefly describe each action or inaction constituting a violation and the code which is being violated, i.e. WAC 246-272A-0200(1); CCC41.20.080, and state the specific wording.

(d) Specify the effective date of the order and the time period for corrective action to be taken (see Part C, Enforcement Priority.) If corrective work is necessary, the order shall state that the all required permits be secured and the work physically commence and be completed within such time as is determined to be reasonable under the circumstances.

(e) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:

- (i) Denial, suspension, or revocation of a permit approval, license, or certification per WAC246-272A-0425 and CCC41.20.250.
- (ii) Civil infraction penalties as per CCC41.20.260
- (iii) Administrative penalties (fines) as per CCC41.20.270
- (iv) Referral to the office of the County Prosecuting Attorney; and/or
- (v) Other appropriate remedies.

(f) A statement that the person to whom the notice and order is directed can appeal the order to the Health officer in accordance with appeal procedures of CCC41.20.290.

(g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.

(h) The notice may also include a statement requiring the person to whom the notice is directed to produce receipts and/or reports from a state or local health jurisdiction licensed on-site sewage contractor to demonstrate compliance with an order.

Service of all notices, orders, Administrative Penalties, and assessed costs shall be in person or by mail to the alleged violator's and/or property owner's last known place of residence. Date of service shall be the date personally served or the date the certified mail was deposited in the U.S. mail.

In the case of Priority 1 or 2 violations, all notices shall be sent via certified mail. First notices of Priority 3 violations may be sent via regular mail, all subsequent notices shall be sent via certified mail.

Appendix B: Sample Notice of Violation

Date

Name

Address

City State Zip

RE: violation

Street address and/or parcel #

NOTICE OF VIOLATION and ENFORCEMENT ORDER

Dear Name,

On DATE Clallam County Environmental Health verified that the sewage system serving the home at ADDRESS, CITY, WA is discharging sewage to the surface of the ground.

Surfacing sewage is sign of a failing system and is a direct violation of Clallam County Code 41.20.070 which states “Sewage from any on-site sewage system or components thereof shall not be discharged to surface water or upon the surface of the ground or cause contamination of public health significance to any ground water as determined by the Health Officer.” (See also WAC 372-36-030 and Chapter 90.48.080 RCW.)

You are hereby notified that the failing system is to be repaired or replaced and you are hereby required to contact this office to complete a written plan of action within fourteen (14) calendar days of the date of this letter. The plan must outline steps to immediately abate the problem and make all corrections within a mutually agreed upon time period.

Compliance with the plan will be monitored to assure that all steps are completed. Failure to adhere to the plan and abate the problem may result in issuance of a civil infraction or a fine of up to \$500 per day as per CCC41.20.270. Payment of a fine will not release you from the responsibility of abating the problem. Further failure to comply may result in referral to the Prosecuting Attorney office for criminal action. *

Repair of a septic system requires a permit and a design to be submitted by a professional engineer or certified designer; a list of qualified professionals is enclosed for your reference. All system installations must be done by an installer licensed in Clallam County.

You have the right to appeal this order to the Health officer in accordance with appeal procedures of CCC 41.20.290.

You may contact me at xxx-xxx-xxxx or by email: xxxxx@xxx.com, or at the above address.

Sincerely,

EHS
Encl.
C:

***Note:** A second NOV must state the date at which administrative fines will commence.

Appendix D: Site Visit Notice

This is a copy of the site visit notices currently in use by EHS. It will be updated in 2015.

Address: _____ Date: _____
Legal Descrip: _____ Time: _____

ATTENTION

A representative of Clallam County Environmental Health Division visited this location and found no one at home. PLEASE contact the Environmental Health Division as soon as possible on matters concerning:

- SOLID WASTE
- WATER SYSTEM
- SEWAGE DISPOSAL SYSTEM
- (OTHER) _____

COMMENTS: _____

Clallam County Environmental Health Division
223 E. 4th St., PO Box 863 • Port Angeles, WA 98362-0148
Phone: (360) 417-2332

Environmental Health Division Representative

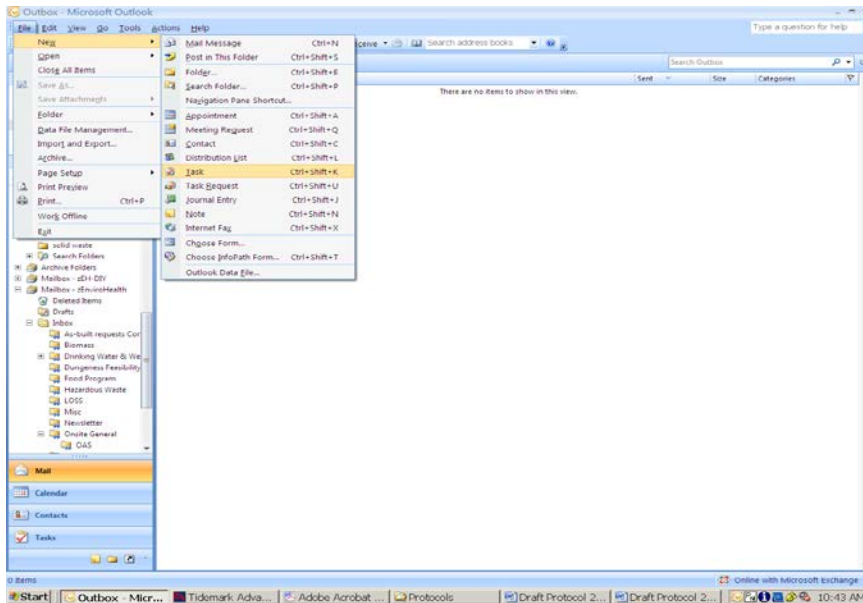
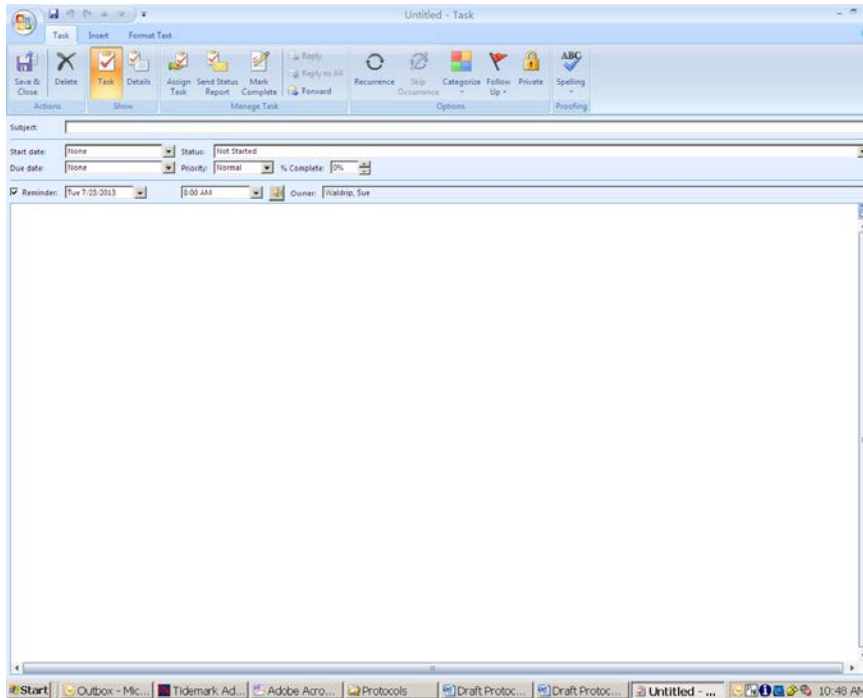
Appendix E: Using Outlook for Reminder Notices

In Microsoft Outlook, click on *File – New- Task*

Fill in the appropriate blanks

Be sure to check the reminder box and enter the date and time you would like to receive a reminder notice.

You will receive an email on that date reminding you to follow-up on the status of the complaint.



Appendix F: Property Inspection Protocol

Legal references:

Article 1, section 7 of the Washington State Constitution reads as follows:

INVASION OF PRIVATE AFFAIRS OR HOME PROHIBITED.

No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

4th Amendment: “the right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. No warrants without probable cause particularly describing the place to be searched and the persons or things to be seized”.

14th Amendment: Due process of law and equal protection of the laws.

Private Property Access and Consent

This discussion of search and seizure law and access procedures is intended to provide guidance only. Search and seizure analysis is very fact-intensive and inspectors are cautioned to discuss field conditions with their supervisors and to seek legal counsel where appropriate. When in doubt, EHS should not access an individual's private property, and should seek advice from legal counsel if there are any questions regarding entering private property.

Site Entry and Searches

You may approach a residence using a recognized access route for the purpose of contacting the resident only. No investigation may be made without the property owners consent or a warrant.

Conducting inspections or surveys or complaint investigations almost always requires the inspector to enter private property. Because the state and federal constitutions prohibit unreasonable searches, an inspector must decide whether he or she may legally enter a particular property to conduct an inspection. In all cases, an inspection can occur only if:

- The inspector makes observations from a place where the inspector may legally be without consent, or:
- After obtaining informed consent from a responsible party (owner or tenant).

To assist you in determining whether you may enter a property some basic constitutional doctrines are discussed below:

Reasonable Expectation of Privacy: There are two components to a reasonable expectation of privacy. The first is a subjective component: Does the person have a subjective expectation of privacy in a particular object or location? The second is an objective component: Is this expectation one that society recognizes as reasonable? Generally, a person has a reasonable expectation of privacy in his home, in the area immediately adjacent to the home, and in areas where he/she has taken steps to exclude the public and shield the area from the public's view.

Residence: A person always has a reasonable expectation of privacy in his/her home. You may not enter a person's home, except with the resident's consent, or a lawfully obtained warrant. *Consent* has three elements: (1) voluntary; (2) granted by a person with the requisite authority to grant consent; (3) search is limited to the scope of consent granted.

Curtilage: The land immediately surrounding and associated with the home, i.e., that area associated with the intimate activity of a home and the privacies of life. Curtilage receives the highest level of protection under both the federal and state constitutions. You may not enter the curtilage without a resident's consent, except as explained below. To help determine if an area is within the curtilage, answer these questions:

Q: How close is the area you want to inspect to the house?

A: *The closer the area you want to inspect is to the house, the more likely it will be considered within the curtilage.*

Q: Is there a fence or other enclosure that surrounds the house and the area you want to inspect?

A: *A fence that surrounds the house suggests the limits of the curtilage. Accordingly, where a house is situated on a standard lot and the lot is fenced, that is the limit of the curtilage. On a larger piece of property there may be a fence around the perimeter of the property, and an inner fence enclosing the house. In that case, the interior fence would indicate the limits of the curtilage. A clearing or maintained area has the same effect. Thus, on a larger piece of property that is forested, the cleared area surrounding the house would indicate the limits of the curtilage.*

Q: What is the area you want to inspect used for?

A: *The concept of the curtilage is to protect those activities normally associated with the home and the privacies of life. Thus, if an area near the house is used for family or personal activities (e.g., play area, patio, garage), then it is probably within the curtilage. However, if the area is used for activities not associated with home life, especially illegal activities, then it probably will not be considered within the curtilage. You may use evidence you observe from the road or a neighbor's property, or information a neighbor gives you, to determine if an area is being used for an activity associated with the home or some other activity.*

Q: Has the resident taken any steps to protect the area you want to inspect from observation of passersby?

A: *If a fence -- especially a sight-obstructing fence -- or hedge shields the view of the house from the street and neighboring properties, then the area within the fence or hedge will probably be considered within the curtilage.*

Q: Can an inspector ever enter the curtilage?

A: *Yes. You may enter the curtilage to contact the resident. In doing so, however, you may use only a recognizable access route, such as a driveway, walkway, or path. Approach the house as any reasonably respectful citizen would. Normally, you should not enter a side or back yard. You may, however, call out or try to get someone's attention if you see or hear something that leads you to believe the resident is in a side or back yard. Do not perform any formal investigation unless/until you have obtained informed consent and/or a warrant.*

Other factors to consider when conducting an inspection of private property:

Open Fields: Areas that are outside the curtilage are considered "open fields" An open field doesn't need to be either "open" or a "field." It could be a thickly wooded area or a beach. Generally, an open field is any unoccupied or undeveloped area outside the curtilage.

In many instances, you will be able to enter open fields without the permission of the owner. However, you need to consider whether the owner has manifested an "expectation of privacy" in the area you want to enter. Some manifestations of an expectation of privacy are: 1) a long driveway; 2) "No Trespassing" signs; 3) fences, especially sight-obstructing fences, or

maintained hedges; 4) a locked gate; or 5) the area cannot be seen from a road or neighboring property.

Each situation is different, so it is not possible to provide a blanket rule for entering open fields. If in doubt – don't enter!

Open View: If you are in a place you may legally be, such as a roadway, public property, a neighboring property that you have permission to be on, or are approaching the residence via a recognized access route, then you can base an enforcement action on anything you can see from that vantage point. Accordingly, if a person allows you in his/her backyard, and you can see the violation, you can write a notice and order to correct the violation or a notice of civil infraction, based on what you can see from the neighbor's property. You may take photographs from a place you may legally be.

Plain View: The plain view doctrine applies when you have entered a property with the resident's consent. The plain view doctrine allows you to use anything that you see inadvertently as you walk through the area. The object must be in plain view; you may not move anything. You may not remove a lid on a trash container to see inside. Plain view works the same way when the resident has given you permission to look around. If you want to see inside or under something, ask the resident if it's okay.

Consent: An inspector obtains valid consent to inspect when he or she asks the resident for permission to conduct an inspection and receives an affirmative response through words or action. Do not tell property owner you will obtain a search warrant. Threats to obtain a warrant can obviate/vitiate consent.

When seeking consent to access a property, it is important to set the property owner's or user's expectations. Explain the purpose of your entry into a residence or curtilage and explain the scope of consent you are requesting. Document the consent in field notes, including the circumstances under which it was obtained: when(date/time), why (to observe area) from whom it was requested, how it was obtained (verbal, in writing, in person), and any limitations on time, location, and repeat visits.

Avoid statements like "I'm going to look around," or "I have to inspect the property". A person who submits to an inspection after such a statement has not necessarily given his/her consent to the inspection and a court could suppress anything that is found during the inspection. **If the person is reluctant or asks whether he/she may refuse, the inspector must tell the person that he/she may refuse or limit the scope of the inspection.**

Where two or more persons may claim a reasonable privacy interest in a particular dwelling or premises, consent given by one individual may be valid only as to common areas and to the specific area over which the giver of consent has authority or control.

Administrative Search Warrant: State and local agencies are allowed to conduct administrative searches when implementing their civil enforcement authority, where specifically authorized by statute. *See CCC 41.20.250 (13) Right of entry and RCW 70.118.030. Search warrants allowed under this RCW are limited to marine water areas*

The local health officer may apply for an administrative search warrant to identify failing septic tank drainfield systems. The administrative warrant application may be based on specific evidence of an existing violation or on a general inspection program based on reasonable legislative or administrative standards for conducting an area inspection.

Per Clallam County Prosecuting Attorney Office: Informed Consent and Admin Search Warrants will always be the best way to gain access to private property. Working without either of these two basis will expose the County to legal liability.

There is case law that supports local governments acting without an admin search warrant. See *Peters v. Vinatieri*, 102 Wn. App. 641, 651, 653, 9 P.3d 909 (2000). However, such instances needed to be evaluated on a case-by-case basis and are very fact specific. See *Peters*.

Appendix G: Written Assurance of Discontinuance/ Voluntary Compliance Schedule

(a) The person committing, or responsible for, the violation may submit a written voluntary correction agreement/compliance schedule for correction of the violation. Failure to comply with the written voluntary correction agreement/compliance schedule shall be a further violation of these regulations.

(b) The written voluntary correction agreement/compliance schedule will be in lieu of the issuance of further citations, or other actions as allowed by these regulations, so long as the written voluntary correction agreement/compliance schedule is adhered to as determined by the health officer.

(c) By entering into a written voluntary correction agreement/compliance schedule, the person responsible for the alleged violation shall waive the right to appeal or a hearing before the health officer under this regulation or otherwise, regarding the alleged violation.

(d) The written voluntary agreement/compliance schedule is a contract between the health officer and the persons responsible for the violation in which such person agrees to abate the alleged violation within a specified time frame and according to specific conditions.

(i) It shall be governed by the same procedures applicable to all notice and order to correct violations procedures contained in these regulations.

(ii) It shall include an agreement by the responsible party that the health officer may enter the property/premises as necessary to determine compliance; to abate the violation and recover costs and expenses.

(iii) If all the terms of the agreement are not met, the health officer may use any remedy or penalty under the regulation to enforce the terms of the agreement.

APPENDIX L: ADMINISTRATIVE PENALTIES PROTOCOL

1. Send out a Notice of Violation/Order to Correct. The notice is to include the following:
 - a. Name and address of person responsible for the violation
 - b. The street address and/or parcel number for the property on which the violation is occurring.
 - c. A description of the violation and reference to the applicable code
 - d. Required corrective action and a date by which the corrections must be completed.
 - e. The amount of the penalties and the dates they will accrue.
 - f. A statement indicating the right to an appeal.

2. The number of letters to be sent and the applicable timelines are per enforcement protocol.

3. Notices are to be delivered personally or via certified mail. A notice may also be posted on the property.

4. By current code, fees are payable to Clallam County Treasurer. Tacoma-Pierce for example has them payable to Environmental Health. Need clarification on this issue.

5. If fines are not paid, second and third notice may be sent depending on severity of violation. Failure to pay results in account being sent to a collections agency and the case referred to the Prosecuting Attorney.

6. Payment of penalty does not relieve any person of their duty to comply with the regulations.

Sample letter for imposition of fines (Thurston County model)

DATE
CERTIFIED MAIL #

Name
Address
City State Zip

NOTICE OF ADMINISTRATIVE PENALTIES DUE

Penalty Amount: \$
Payment Due: mo/day/year
Location of Violation: Address
Parcel Number: 00-00-00-000000

Dear Name:

Clallam County HHS Division of Environmental Health referred your case to me to review the Notice of Violation (hereafter referred to as the Notice) to determine the amount of administrative penalties due. Environmental Health first issued a Notice of Violation on MO/DAY/YEAR that directed you to abate the VIOLATION at ADDRESS by MO/DAY/YEAR. Additional notices were sent on MO/DAY/YEAR. The case was referred to me because the violation of TYPE continued to exist on MO/DAY/YEAR.

Findings

I reviewed the facts of the case and find that:

1. Environmental Health properly issued the Notice of Violation.
2. The Notice of Violation describes the conditions on your property and the lists the actions necessary to bring it into compliance.
3. The Notice confirms the code violations, the required corrective actions and the date when the corrective actions must be complete.
4. The Notice states the administrative penalties, how they accrue, and your appeal rights.
5. The Notice was not appealed
6. You did not substantially comply with the requirements of the Notice.
7. You have not entered into an agreement with Environmental Health or committed to a specific course of action to abate the violation by a specific date.
8. I do not find any mitigating circumstances that support reducing the amount of the penalties.

Monetary Penalties Due

Clallam County Code 41.20.270 sets for the schedule for assessment of administrative penalties as follows:

- (a) First day of each violation: \$100;
- (b) Second day of each violation: \$200;
- (c) Third day of each violation: \$300;
- (d) Fourth day of each violation: \$400;
- (e) Each subsequent day of violation beyond four days: \$500.

The Notice dated MO/DAY/YR stated monetary penalties would begin on MO/DAY/YR and continue to accrue until MO/DAY/YR (30 days) or until the violation was corrected, whichever came first. Because you failed to correct the violation you are assessed the maximum penalty of \$0,000.00. You must pay the full amount by (10 days). Clallam County is authorized to take appropriate action to collect the monetary penalty if it is not paid on time.

You can pay the penalty in person at the Clallam County Courthouse (?) Office Room (?), or by mail to:

Clallam County Health and Human Services
Division of Environmental Health
223 E. 4th St. Suite 14
Port Angeles, WA 98362

Payment of the monetary penalty does not relieve you of your responsibility to correct the violation, or prevent further penalties or referral to the Prosecuting Attorney.

Right to Appeal

An appeal of this decision must be filed with the Clallam County Board of Health within 24 calendar days of the date of this notice, or is thereafter barred.

This decision entered MO/DAY/YR.

Sincerely,

Clallam County Health Officer

Cc:

41.20.270 Administrative civil penalties. (Draft language as proposed June 2013)

(1) When the Health Officer determines that a violation of these regulations has occurred or is occurring, the person responsible for the violation has been legally notified, and the violation has continued beyond the date set forth in the notice of violation or order, the Health Officer has the authority to issue a monetary penalty.

(a) Daily monetary penalties shall begin on the day of issuance of the administrative civil penalty.

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

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

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

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

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

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

(e) Each subsequent day of violation beyond four days: \$500.

(4) Payment of a civil penalty shall be made to the Clallam County Treasurer and placed in the Environmental Health Division account. Payment of the administrative penalty does not relieve any person of their duty to comply with these regulations.

(5) The accumulation of penalties may be stopped by the Health Officer if the violator begins compliance with the order or orders of the Health Officer.

(6) The penalty may be reduced by the Health Officer or a hearing officer if the violation is corrected within 30 days from the date of issuance of the administrative penalty, or according to a time schedule approved by the Health Officer. The penalty should not be reduced below recovery of the costs of administration and enforcement of these regulations. In exercising discretion for the reduction of civil penalties, the Health Officer will take into consideration the seriousness of the violation, the percentage of compliance achieved by the violator, and other relevant factors.

(7) Administrative penalties are a separate and independent method of civil enforcement and are supplementary to all other enforcement methods cited in these regulations.

APPENDIX M: CIVIL INFRINGEMENTS PROTOCOL

Civil Infringements (Tickets)

The authority for Civil Infringements (also known as “ticket writing”) is referenced in Clallam County Board of Health Regulation 41.20.260 and Chapter 7.80 RCW, Civil Infringements.

The procedure for the District Court process is outlined in the Infringement Rules for Courts of Limited Jurisdiction (IRLJ). The Enforcement Flow Chart further outlines the process.

A notice of civil infringement can only be written in cases where the inspector has made a direct observation of the infringement being cited. This is different than issuing a Notice of Violation based on a sanitary survey report without seeing the system. A ticket cannot be written without visual verification. RCW7.80.050 requires an officer to witness the violation also. Only the court can issue a civil infringement notice based on a written statement that the officer has reasonable cause to believe that the violation has occurred. This would most likely require action on the part of the prosecutor.

Following proper notification procedures, a Civil Infringement may be used to assess a fine. The enforcement officer must take care to make sure all portions of the form are completed correctly. Only one infringement ticket should be written even though multiple infringements may exist.

A second ticket for the same violation should not be issued until a judgment has been made on the first.

The infringement notice is generally served in person, but can be served by mail if attempts to serve in person are not successful. Following service of the notice of infringement, it must be filed in District Court within 48 hours, excluding Saturdays, Sundays and Holidays (furlough days are not exempt as courts are open). Attach a business card and/or note to the court’s copy requesting notification of the court date and location if one is scheduled. Court copies should be delivered in person.

The defendant has 15 days to respond (18 if delivered by mail). The court will notify the inspector of the court date and type of hearing if the

defendant request one. The inspector, or a qualified substitute, must represent Environmental Health at all hearings on their tickets. If the defendant fails to respond within the specified time period, the court enters a default judgment against the person named on the ticket and the full fine amount is levied.

IMPORTANT: The inspector must never give legal advice to the defendant or attempt to predict what the District Court judge will do if the case goes to court.

TO SERVE NOTICE:

1. Complete form. 2. If defendant is present, show them the ticket, and explain why the ticket is being issued.
3. Explain that by signing they are not admitting guilt, but are promising to respond within 15 days. Have them sign (failure to sign is a misdemeanor). Give them a copy. Explain the response options on the form.
4. Explain that ticket can be dismissed (see below) if the infringement is corrected prior to the court date (when one has been requested).
5. If defendant is not present or refuses to sign, write “SUMMONS” in the signature space.

Provide a narrative of events to submit to the court (letters, dates, dye tests, etc.). The narrative is the only testimony the court will see if the inspector is not present for the hearing, so it must be thorough enough to prove your case if you are absent.

ROUTING OF COPIES: This form is in the process of being developed in coordination with the Clallam County Sheriff. Routing of the form will be with the approval of the Sheriff’s office.

TO DISMISS A CASE: This process is still being developed and may be handled by the courts.

Collection of Unpaid penalties:

We propose to contract with a collection agency for the collection of unpaid fines.

Notice of Infraction

Applicable codes:

Per IRLF 2.1 the Notice of Infraction should include:

1. The name, address, and phone number of the court where the notice of infraction is to be filed.

(Clallam County District Court)

2. The name, address, date of birth, sex, physical characteristics of the defendant.

At a minimum the defendants name and address are required. If defendant is present you may request to see their driver's license or I.D. card to verify the information. A phone number is needed to notify the defendant of a change in court date or time.

If the owner of a property is a corporation, the ticket should be written to the corporation itself and be served on the president or the registered agent of the corporation.

3. The infraction which the defendant is alleged to have committed and the accompanying statutory citation or ordinance number, the date, time and place the infraction occurred, the date the notice of infraction was issued, and the name and, if applicable, the number of the citing officer.

Time should be noted in military time.

Place can be physical address, tax parcel number, the term "situs" indicates at the defendant's address.

Statutory citation is the ordinance number and brief description, i.e. CCC 41.20.070 No Surface Discharge of sewage.

4. A statement that the defendant must respond to the notice of infraction within 15 days of the date the notice is personally served or, if the notice is served by mail, within 18 days of the date the notice is mailed.

5. A space for entry of the monetary penalty which respondent may pay in lieu of appearing in court.

Our letters should state that payment of fine will not relieve them of their responsibility to abate the problem. Maybe should also be stated on the Notice of Infraction.

Also need to find out what level or class of violation a violation of onsite code is, and thus the level of the fine. See RCW 7.80.120 below

6. A statement that a mailed response must be mailed not later than midnight on the day the response is due.

7. The statements required by other applicable statutes. See RCW 7.80.070(2) below

RCW 7.80.070

(1) A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless contested as provided in this chapter.

(2) The form for the notice of civil infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a civil infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific civil infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the civil infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that the person may subpoena witnesses including the enforcement officer who issued the notice of civil infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days;

(i) A statement that failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear;

(j) A statement that failure to respond to a notice of civil infraction or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail.

RCW 7.80.120

1) A person found to have committed a civil infraction shall be assessed a monetary penalty.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments, except for an infraction of state law involving potentially dangerous litter as specified in RCW [70.93.060](#)(4) and an infraction of state law involving violent video or computer games under RCW [9.91.180](#), in which case the maximum penalty and default amount is five hundred dollars;

(b) The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

(c) The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

(d) The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

(2) The Supreme Court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.

(3) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

(4) The court may also order a person found to have committed a civil infraction to make restitution.

RCW 7.80.150 – regarding record keeping of ticket books

(1) Every law enforcement agency in this state or other agency authorized to issue notices of civil infractions shall provide in appropriate form notices of civil infractions which shall be issued in books with notices in quadruplicate and meeting the

requirements of this section, or issued by an electronic device capable of producing a printed copy and electronic copies of the citations.

The chief administrative officer of every such agency shall be responsible for the issuance of such books or electronic devices and shall maintain a record of every such book or electronic device and each notice contained therein issued to individual members or employees of the agency and shall require and retain a receipt for every book or electronic device so issued.

(2) Every law enforcement officer or other person upon issuing a notice of civil infraction to an alleged perpetrator of a civil infraction under the laws of this state or of any ordinance of any city or town shall deposit the original or a printed or electronic copy of such notice of civil infraction with a court having competent jurisdiction over the civil infraction, as provided in RCW [7.80.050](#).

Upon the deposit of the original or a printed or electronic copy of such notice of civil infraction with a court having competent jurisdiction over the civil infraction, the original or copy may be disposed of only as provided in this chapter.

(3) It is unlawful and is official misconduct for any law enforcement officer or other officer or public employee to dispose of a notice of civil infraction or copies thereof or of the record of the issuance of the same in a manner other than as required in this section.

(4) The chief administrative officer of every law enforcement agency or other agency authorized to issue notices of civil infractions shall require the return to him or her of a copy of every notice issued by a person under his or her supervision to an alleged perpetrator of a civil infraction under any law or ordinance and of all copies of every notice which has been spoiled or upon which any entry has been made and not issued to an alleged perpetrator.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every notice issued by a person under his or her supervision a record of the disposition of the charge by the court in which the original or copy of the notice was deposited.

(5) Any person who cancels or solicits the cancellation of any notice of civil infraction, in any manner other than as provided in this section, is guilty of a misdemeanor.

(6) Every record of notices required in this section shall be audited monthly by the appropriate fiscal officer of the government agency to which the law enforcement agency or other agency authorized to issue notices of civil infractions is responsible.

Below is an example of what a Notice of Infraction may look like. It is formatted so that it can fit on a 8.5x11 paper, landscape layout. This format

was developed in conjunction with the Prosecuting Attorney and based on the tickets used by the Clallam County Sheriff. Final verification is pending.

NOTICE of INFRACTION

CIN 000000

IN THE DISTRICT COURT OF CLALLAM COUNTY,
PORT ANGELES / FORKS, WASHINGTON

Clallam County v. _____

Name: Last First Middle

Address: _____

City State Zip Code

Identification: _____

Male ___ Female ___ Date of Birth: _____

Telephone: Home: _____ Work: _____

DID COMMIT THE FOLLOWING OFFENSE(S):

___ Discharge of sewage to surface water.
(Ref. CCC 41.20.070; Chapter 90.48.080 RCW; WAC 372-36-030)

___ Discharge of sewage to the surface of the ground.
(Ref. CCC 41.20.070; Chapter 90.48.080 RCW; WAC 372-36-030)

___ Allowed continued use of onsite sewage disposal system that is
Known to be failing as per WAC 246-272A-010(2)-definition of failure

___ Other (state violation and applicable code) _____

THE CITED OFFENSE(S) OCCURRED AT:

Site Address Time Date

PENALTY-(U.S. DOLLARS) _____

SERVED: Month Day Year Time (military)
___ Served to Violator ___ Sent to Court for Mailing ___ Referred to Prosecutor

Under penalty of perjury and the laws of the State of Washington, I certify that I issued this infraction on the date and at the location identified above, and I have probable cause to believe the above named person committed the above listed offense(s).

Signature Title

- ___ Defendant Copy
- ___ Prosecuting Attorney's Office Copy
- ___ Court Copy
- ___ Environmental Health Copy
- ___ Enforcing Agency Copy

NOTICE OF INFRACTION

This is a non-criminal offense for which you cannot go to jail.

YOU MUST RESPOND WITHIN FIFTEEN (15) DAYS FROM THE DATE ISSUED.

You must respond within eighteen (18) days from the date issued if received via mail.

Your response must be postmarked by midnight of the day it is due at the court identified below:

| | |
|--|---|
| <u>Clallam County District Court 1</u> 223 East 4 th Street, Suite #10 Port Angeles, WA 98362 360-417-2560 | <u>Clallam County District Court 2</u> 502 E. Division Street Forks, WA 98331 360-374-6383 |
|--|---|

To respond, you must check one of the boxes below and return this form to the court listed on the front. If you fail to respond or appear for court hearings:

- The court will find that you committed the infraction.
- It is a crime and will be treated accordingly.
- Your penalty may be increased.
- Failure to pay may result in a referral of your case to a collection agency.

Check ONE, then sign and date the bottom of the Notice of Infraction.

___ I admit that I committed the cited infraction(s). I have enclosed a check or money order, in U.S. funds for amount listed on the front. I recognize that payment of the fine does not relieve me of the responsibility to abate the violation.

- DO NOT SEND CASH. NSF checks will be treated as a failure to respond. Note:

___ Mitigation Hearing. I agree I have committed the infraction(s), but I want a hearing to explain the circumstances. Please send me a court date, and I promise to appear on that date. I know I can ask witnesses to appear but they are not required to appear. The court may allow time payments or reduce the penalty where allowed by law.

___ Contested Hearing. I want to contest (challenge) this infraction. I did not commit the infraction. Please send me a court date, and I promise to appear on that date. The state must prove by a preponderance of the evidence that I committed the infraction. I know I can require (subpoena) witnesses, including the officer who wrote the ticket, to attend the hearing. The court will tell me how to request a witness's appearance.

My mailing address is: (PLEASE PRINT)

Name: _____

Street or PO Box: _____ Apt. _____

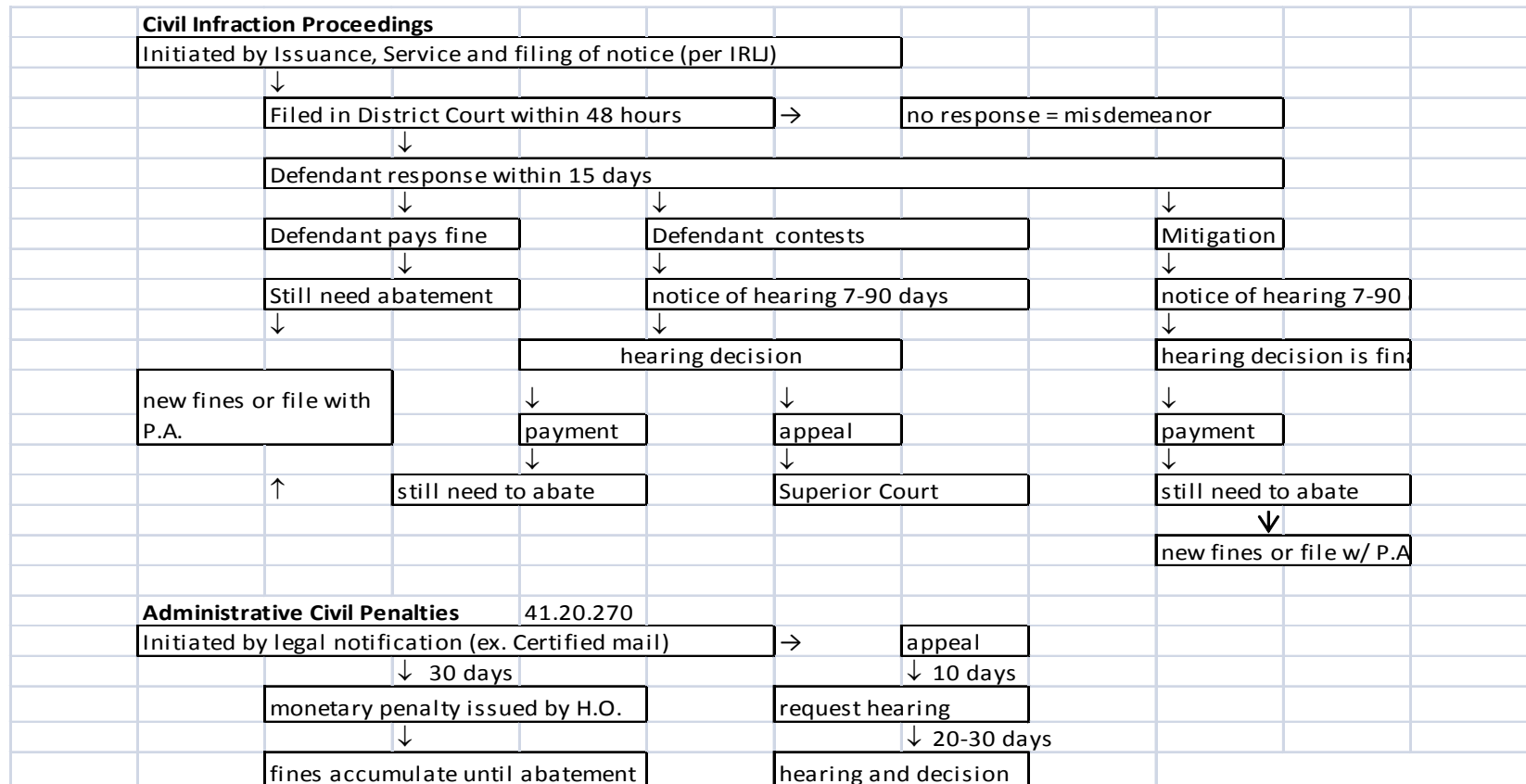
City: _____ State: _____ Zip: _____

Telephone: Home: _____ Work: _____

Is interpreter needed? ___ Yes ___ No Language: _____

X
Signature

Enforcement Flow chart



APPENDIX N: Commonly Used Best Management Practices (BMPs) for Water Quality Protection on Agricultural Operations

The following BMPs are the most common structural practices utilized for water quality protection and improvement in Clallam County:

- **Alternative Livestock Watering** – Installation of alternative watering systems (i.e. stock tanks) to eliminate livestock watering directly from streams.
- **Riparian Forest Buffer** – Establishment of native tree and shrub forest vegetation along streams.
- **Manure storage structure** – Safe storage of manure to prevent runoff from entering nearby surface water or leaching into groundwater.
- **Irrigation ditch piping** – Pipe irrigation ditches that flow through agriculture lands that have been identified as contributing to bacterial contamination in streams that they empty into.
- **Drainage water management** – Management of runoff water in areas heavily used by livestock to prevent contamination. Typically includes pipeline or swale installation.
- **Roof Runoff Management** – Collection of clean roof runoff water and disposal away from livestock confinement areas to reduce risk of contaminated runoff from livestock facilities. Typically includes installation of gutters, downspouts and outlet pipelines.
- **Heavy Use Area Protection** – Constructed livestock confinement areas that enable livestock to be removed from pastures and allow for year-round manure collection.

The following BMPs are the most common managerial practices utilized for water quality protection and improvement in Clallam County:

- **Access Control** – Permanently or seasonally preventing livestock from accessing environmentally sensitive areas. Typically involves fence installation to prevent livestock access to riparian areas.
- **Nutrient Management** – Application of fertilizer, manure and other forms of nutrients at proper times and agronomic rates to reduce risk of runoff and leaching.
- **Prescribed Grazing** – Proper pasture management to prevent overgrazing and protect nearby waterways from contaminated runoff (manure, sediment, fertilizer and pesticides).

APPENDIX O: PIC Program Cost Estimates & Funding Options

Table 1 – PIC Cost Estimates

| PIC ACTIVITY & EXPENSE | | FTEs | STAFF | SUPPLIES | SERVICES | TRAVEL | TOTAL |
|--|--|-------------|------------------|-----------------|-----------------|----------------|------------------|
| PIC Program Coordination | | 0.25 | \$22,000 | | | | \$22,000 |
| Pollution Prevention | OSS O&M Outreach & Education | 0.20 | \$17,800 | \$7,400 | \$8,600 | | \$33,800 |
| | Agricultural Outreach & Education | 0.25 | \$18,750 | | | | \$18,750 |
| | Pet & Wildlife Outreach & Education | 0.10 | \$7,500 | | | | \$7,500 |
| Pollution Prevention Totals | | 0.55 | \$44,050 | \$7,400 | \$8,600 | \$0 | \$60,050 |
| Pollution Identification | Trends Monitoring | 0.10 | \$11,775 | \$600 | \$15,000 | \$1,000 | \$28,375 |
| | Priority Sub-Basin Work Plan & Outreach | 0.15 | \$13,200 | \$2,000 | | | \$15,200 |
| | Hot Spot Identification & Segmented Sampling | 0.10 | \$7,500 | \$200 | \$2,000 | \$300 | \$10,000 |
| | OSS Source ID/Dye Testing | 0.25 | \$20,000 | \$1,500 | \$12,000 | \$1,000 | \$34,500 |
| | Agricultural Source ID | 0.25 | \$18,750 | | | \$500 | \$18,750 |
| Pollution Identification Totals | | 0.85 | \$71,225 | \$4,300 | \$29,000 | \$2,800 | \$107,325 |
| Pollution Correction | OSS Pollution Correction | 0.15 | \$13,200 | | \$2,500 | | \$15,700 |
| | Agricultural Pollution Correction | 0.50 | \$37,500 | | | \$500 | \$38,000 |
| | Pet & Wildlife Pollution Correction | | | | | | |
| Pollution Correction Totals | | 0.65 | \$50,700 | \$0 | \$2,500 | \$500 | \$53,700 |
| GRAND TOTALS | | 2.30 | \$187,975 | \$11,700 | \$40,100 | \$3,300 | \$243,075 |

The estimated annual cost of implementing a PIC program in the CWD totals \$243,075. Note that this estimate does not include financial assistance for corrective actions, which will vary from sub-basin to sub-basin and are extremely difficult to estimate.

Sustainable Funding Options for Ongoing Programs

In recent years, various funding strategies have been explored to support ongoing OSS and conservation district activities, as well as stormwater management. Each of the strategies explored has merit for funding some or all aspects of a comprehensive PIC program; however, some are more limited in their scope than others and some have limited revenue-generating potential. Each funding strategy is described below, beginning with the most comprehensive program and ending with the most restrictive program.

Clallam County General Fund

Ongoing costs of implementing a PIC program could potentially be funded through the County general fund. Adding new programs to the County budget is never an easy proposition and, every program is subject to the annual budget development and review process. Although the County general fund would provide some certainty and stability to the program, it would be up for review annually, therefore not be immune to cuts or elimination.

Shellfish Protection District Funding

Shellfish protection districts were designed specifically to address water pollution impacting shellfish growing areas, thus they are probably the most applicable mechanisms for funding PIC programs. Establishment of shellfish protection districts is authorized under RCW 90.72. In fact, RCW 90.72.045 requires county legislative authorities to create shellfish protection districts to address pollution causes following the closure or downgrading of a shellfish growing area. Fees, rates or charges may be imposed by the county legislative authority to finance activities that address water pollution.

Shellfish protection district financing is similar to conservation district special assessments/rates and charges with three main differences. Whereas conservation district special assessment/rates and charges may apply to any natural resource activity, all shellfish protection district-financed activities are specifically targeted to address sources of nonpoint pollution impacting shellfish growing areas. And, the geographic area is restricted to the shellfish protection district. The shellfish protection district in Clallam County is the Sequim Bay-Dungeness Watershed Clean Water District, which includes all lands from and including Bagley Creek watershed in the west to and including the Sequim Bay watershed in the east. Lastly, the manner in which the charges or rates is collected is determined by the county legislative authority and not necessarily subject to per parcel or per acre limitations.

Conservation District Special Assessment/Rates and Charges

Two options exist for financing specific natural resource conservation programs proposed by local conservation districts. These are an assessment (RCW 89.08.400) and a system of rates and charges (RCW 89.08.405). For both options, the county legislative authority must authorize the funding program, and only one of the two options may be authorized. Both options allow for collection of up to \$5.00 per parcel and \$0.10 per acre (forestland rates are significantly lower), and both options can only be authorized for a maximum of ten years, at which time they are up for re-authorization. With both options, the local conservation district develops a proposal of programs and activities and a proposed system of assessments or rates and charges based on land use, services furnished, benefits received, and other factors.

All aspects of a comprehensive PIC program would be eligible for funding under these two options, including water quality monitoring, outreach and education, and technical and financial assistance for correction activities. Interlocal agreements would be necessary to fund activities and programs implemented by agencies other than the conservation district.

OSS Operating Permits

In 2006, Clallam County convened an OSS stakeholder group that helped develop the County's *On-Site Septic System Management Plan*, including a strategy for how to finance plan implementation. The

group recommended that the County approve a countywide assessment on all properties with OSS. A fee range of \$10-\$20 per year (or up to \$1.50 per month) per parcel was suggested.

The revenues generated would fund the following activities:

- Ongoing maintenance notification to OSS owners.
- Ongoing OSS operation and maintenance education.
- OSS database development and maintenance.
- Identification of all failing OSS in the MRA.
- Repair of all failing OSS in the MRA.
- Ensure compliance with OSS inspection requirements.
- Surface and ground water monitoring to track effectiveness.
- Financial assistance to low-income OSS owners to offset inspection costs.
- Low-interest loans to repair/replace OSS.
- Financial incentives to increase compliance with new inspection requirements.

Surface and Stormwater Management Funding

Numerous counties in western Washington generate revenue for managing surface water and stormwater through surface water management districts or utilities (RCW 36.94.020). Kitsap County funds programs and activities that address water pollution, stormwater runoff, and aquatic habitat through surface and stormwater management fees. Kitsap County PIC program activities, including water quality monitoring, pollution identification and correction are funded through this program.

Parcels are assessed a fee – typically a flat fee for residential parcels and a fee based on the amount of impervious surfaces for other parcels. Fees can be reduced by implementing alternative stormwater management practices that reduce impervious surfaces or collect and treat stormwater runoff. Similarly, the City of Port Angeles has a stormwater utility that funds their stormwater management program, including water quality monitoring, outreach and education, and remediation activities, as does the City of Port Townsend and part of Jefferson County. The manner in which the fees are collected, including the geographic area and fee schedule is determined by the local legislative authority.

Grant Funding Options for Projects

There are numerous opportunities to obtain state and federal grants to finance the implementation of PIC projects. Because Clallam County does not have a stable source of funding for water quality programs, grants have been relied upon for nearly all activities that address water quality problems; however, grant funding is not an appropriate method of funding ongoing operations and long-term programs. On the other hand, discrete projects that can be implemented within about a two-year time frame are well suited for grants. Such projects include implementation of priority sub-basin plans or portions of such plans. This could include targeted water quality sampling, OSS dye testing, technical and financial assistance for OSS repairs/upgrades, and technical and financial assistance for agricultural best management practice (BMP) implementation. Described below are the grant programs that have been utilized in the past or that may be pursued in the future for implementation of PIC projects.

Federal Grants

- Environmental Protection Agency – The EPA offers grant opportunities for a variety of water quality projects. Grants are awarded on a competitive basis to government entities. Tribes are eligible for a separate category of EPA grants. In recent years, the EPA has passed National

Estuary Program (NEP) funds on to various state agencies for implementation of Puget Sound recovery projects. Perhaps the most applicable of these has been funding to the state Department of Health, which is passed along to local governments for PIC plan development and implementation. The NEP funds are scheduled to expire in 2016.

- USDA Natural Resources Conservation Service – The NRCS administers financial incentive programs for agricultural producers to implement BMPs. Individual producers must apply to the program and compete with other producers throughout northwest Washington.
- USDA Farm Service Agency – The FSA, in cooperation with local conservation districts, administers the Conservation Reserve Enhancement Program (CREP). CREP is an incentive program for farm owners to restore degraded riparian habitat along fish-bearing streams and wetlands draining to fish-bearing streams. All of the costs of tree and shrub establishment, including up to five years of maintenance are covered and the farm owners are paid a rental fee for the land enrolled. Although the program’s original intent was mainly to help farmers improve degraded salmon habitat, substantial water quality benefits may also be achieved. This program is not competitive.

State Grants

- Department of Health – As stated above, the state Department of Health administers EPA NEP funding, distributing grants to local jurisdictions for PIC plan development and implementation.
- Department of Ecology – The Washington Department of Ecology administers the following grants that may apply to PIC plan implementation:

Centennial Clean Water Program

Grant funds are available to local governments and tribes for water quality improvement projects, including planning, water quality monitoring, outreach and education, and implementation of remediation projects. Grants and loans are also provided for facilities-type projects, such as wastewater treatment plant construction.

Clean Water Act Section 319 Nonpoint Source Grant Program

Ecology receives Section 319 grant funds from the EPA that are used for nonpoint source pollution control grants. This program is administered in a very similar manner to the Centennial Program.

- Washington Conservation Commission – The Conservation Commission provides grants to local conservation districts for natural resource conservation activities. The grants vary, but most are tied to the resource conservation priorities of the local district. Grant criteria tend to change with each biennium, but for the past few biennia, the grants have not been dispersed competitively.

APPENDIX P: Public Comments and Responses

Written comments were submitted by three members of the public following the release of the draft PIC plan. Below are summaries of the submitted comments and responses.

Comments from John Beitzel (Clallam County Board of Health), Oct. 25, 2014

Dear Director,

I believe that the PIC plan is very well crafted and totally necessary. One of the key steps, in my opinion, is step 9 on page 4: "Inform public of results." In most communication there are two essential elements: a transmitter and a receiver. Even with the finest available transmitter, if the receiver isn't working (or even turned on) no communication occurs. Success of the PIC process will ultimately depend upon achieving ownership by the public. A related issue is the heavy dependence on unstable funding.

In section 1.3 there are at least 9 references to Clallam County Environmental Health (CCEH) responsibilities. How many of these are new? Are these responsibilities within the capabilities of the ever-shrinking CCEH?

Appendix E is particularly enlightening. Many of the questions that popped into my head while I was reading the plan are answered in that appendix.

Also, on page 20 of the plan there is a typo. "Section 4.3 Storm water Pollution Correction" is spelled "Storwmater".

In summary, this looks like a very worthwhile project—one that may never end until all the birds leave Dungeness Bay and the cattle leave Matriotti Creek.

John Beitzel

Response from: Andy Brastad (CCEH Director)

John,

Thank you for your comments and questions.

In answer to your questions about how many of the PIC plan responsibilities are new I will give you the EH regulatory responsibilities and our responsibilities as they are being proposed in the PIC plan.

The State BOH onsite code WAC 246-272A requires local health jurisdictions to ensure that OSS owners (there are about 20,000 OSS county-wide) have the required inspections of their OSS done (every year for pump systems and every 3 years for gravity systems). LHJs are also responsible for providing outreach, education, and information to OSS owners.

RCW 70.118A addresses OSS in Marine Recovery areas only. It requires LHJs to document all OSS in the MRA (there are over 12,000 in the Clallam MRA), identify and document all unknown OSS (there are approximately 400 unknown systems that we have no records on), ensure that all OSS are inspected (about 20 % of the systems in the MRA are current with inspections) and that they are

functioning adequately or repaired, and track all of this data in an OSS database.

There is virtually no funding provided in law for addressing these activities.

The PIC Plan is a tool that has been used by the well-funded Kitsap health district for at least a decade. EPA and DOH are strongly suggesting that all Puget Sound LHJs develop a PIC Plan and have provided funding to do that. The plan is to address how Clallam EH and its partners would address pollution problems if adequately funded. And that's the hitch. The plan is written as if we are adequately funded.

Additionally DOH is providing to LHJs funding to jump-start the implementation of the plans. Clallam EH will be getting money to begin implementation of a thirty-month PIC Plan pilot project. PIC plans are traditionally under the auspices of the EH. DOH has requested and EH has agreed to take the Coordinator of the Plan role and grant administrator in implementing the pilot project plan. EH is also working with partners on ramping up a water quality monitoring program and routing possible agricultural and pet issues to other partners for follow-up.

As has been the case for a number of years, we will use the grant funds to accomplish as much work as we can, recognizing our limited capacity. It does facilitate EH in our responsibilities under RCW 70.188A to find and fix all OSS in the MRA. The funding helps ensure that we can meet our County budget requirements allowing us to continue our current staffing levels. It does mean that we are taking on more responsibilities without increasing our current staffing levels but we are also finishing up two other OSS grant funded projects.

The bottom line is that EH OSS programs survive on grant dollars with the exception of OSS new development and repair permit fees that cover the cost of permit review and inspection and only partially cover the cost of complaint investigation, enforcement, and coordinating with DCD building and planning departments and general database management. Without adequate stable funding EH will eventually cease to perform many of these activities.

Comments from Jeanette Stehr-Green (Clallam County Board of Health), Nov. 19, 2014

Responses provided by Clallam Conservation District, Dec. 22, 2014

OVERALL COMMENTS

Nicely written document reflective of a thoughtful process involving a number of interested parties and stakeholders. It is evident that a lot of time and effort has gone into development of the plan. And that pains were taken to involve others and give all an opportunity to influence the plan.

Response: Thank you Ms. Stehr-Green. We've worked very hard to engage stakeholders in the process of developing this plan over the past 18 months and we're hopeful that others will take it as seriously as we move into the implementation phase.

Complexity of outreach: Outreach to parcel owners, once segmented water sampling suggests a hot spot, seems pretty complicated involving a number of steps with different partners taking the lead at different points as an investigation progresses and control and enforcement ensues. Besides the possibility of partners getting their wires crossed (if communications between partners is not timely and clear), it would seem that different staff (from different partnering agencies) contacting individual parcel owners at different times could be confusing to the parcel owner and could seem repetitious, if partners repeat some of the same background information/concerns. Is there any way for in-person contact with residents/farmers to be through one individual with that individual funneling information from the different agencies with expertise in the control of different sources of pollution?

Response: CCEH will be responsible for notifying landowners, in writing, when a pollution source has been found and referring them to the appropriate agency for assistance. If a farmer is referred to the Conservation District for assistance it's likely that the farmer will only meet, in person, with the Conservation District planner who will then work with them one-on-one to solve the pollution problem. A homeowner with a failing septic system will work mainly with CCEH, unless they apply for financial assistance from the Conservation District.

Complexity of sources of pollution: No doubt, improperly operating septic systems, agricultural pollution (livestock and use of manures as fertilizer in farming and gardening), pets, wildlife, and stormwater run-off all contribute to water pollution. It would, however, seem that for simplicity sake (and to be less intrusive into the personal lives of citizens) that control efforts would best be focused on the sources that are likely to be the biggest contributors to pollution, those most easily remediable, and for which there might be legal support for governmental control efforts.

Except at dog parks and areas likely to see a large congregation of domesticated canines, is there evidence to suggest that pet wastes (for the normal landowner) are really likely to be a significant source of contamination?

Trying to control wildlife seems kind of silly to me and likely a losing proposition as the whims of wildlife seem largely out of parcel owner control. It would seem like ultimate governmental invasiveness to tell homeowners "don't feed the birds" or "don't feed your cats outside". (Would one's garden or berry patch be considered "feeding wildlife"? Just a joke there!) Is there evidence that suggests that preventing wildlife from congregating in someone's backyard is likely to affect the overall pollution problem? (It might decrease pollution in that very specific sub-basin but will it affect the overall

pollution problem. Wildlife has got to defecate somewhere.) What about wildlife sanctuaries in the project areas (e.g., national wildlife refuge on the Dungeness Spit)?

Response: Per your commentary (and suggestions by others), the plan was updated and pet and wildlife pollution sources were moved into a newly created category - Pollution: Other Sources. This category addresses stormwater, pet and wildlife pollution sources but does not place as much emphasis on these possible sources when compared to significant and more controllable pollution sources like failing onsite systems and agricultural practices. Education will likely be the main method of addressing these other possible pollution sources.

Robustness of segmented water testing: If segmented water testing suggests sub-basin hotspots and bracketed testing better localizes the source of the problem, how likely is it that an individual parcel “draining to that sub-basin” will be found to have a correctable problem? What is the sensitivity and specificity of segmented water testing? (I appreciate that if a dye test is done and found to be positive, you know a contributor to the problem. But how often is a hotspot identified and dye testing been negative and no other likely sources been found? (What is the Kitsap experience? It would seem like they could offer numbers “Of x number of hotspots (based on water testing) identified, y parcels were investigated and z were found to have a remediable problem.”) (I have asked this question twice [probably not very well] and kind of gotten the same answer both times ... that Kitsap County efforts are held up as model and that they have had success. But what do the numbers say? How much work has to be done to find problems? (How many parcels are likely to have to be investigated for any one hotspot? Will it just be one or two ... those immediately adjacent to the waterway or do you investigate properties more removed but still draining to the waterway based on some scientific information? How many hotspots lead to dead-ends?)

Response: Segmented sampling and hotspot identification are strategies used to narrow down the actual sources of nonpoint source pollution. Obviously because of the diffuse nature of nonpoint source pollution, not every source will be detected, but we’re hopeful we’ll be able to identify the vast majority. Eva Crim, Environmental Health Specialist with Kitsap Public Health District shared a report of PIC activities from 2011-2014. During that time period approximately 550 properties were inspected following the identification of nearby “hot spots” (they defined a “hot-spot” as 3 samples with a geometric mean greater than 160 E.coli/100mL). 53 of these properties were identified as having failing onsite septic systems. As of date, most of those systems have been repaired or are under enforcement to be repaired. Approximately 149 of these properties were identified as having pollution sources originating from wildlife, stormwater systems, pet waste runoff or the properties were vacated and/or drainages stopped flowing. The remaining 348 properties were categorized as having “no apparent problems”.

SPECIFIC COMMENTS

Page 5:

Pollution Prevention Activities

“WSU Extension provides overall coordination of all PIC outreach and education activities.”

“WSU will coordinate partner outreach efforts related to stormwater management and the County critical areas regulations and shoreline master program by distributing publications and online resource.”

“WSU will coordinate partner outreach efforts related to proper pet waste management and discouraging activities that contribute to water pollution from wildlife.

I believe that WSU misunderstood the request and has backed out of these (or some of these) obligations. I assume that the plan will be revised to reflect this change in partner activities.

Response: There was not sufficient funding for WSU to provide overall coordination for PIC outreach and education activities and the draft plan has been updated to reflect those changes. At this time the Conservation District plans to assist CCEH with outreach and education activities during the PIC pilot project. WSU is still included in this plan and may play a role in the future if adequate funding is secured.

And what is meant by “shoreline master program”?

Response: The Shoreline Master Program are local land use policies and regulations designed to manage shoreline use (through the Shoreline Management Act). They regulate activities along shorelines to protect natural resources, provide public access and plan for water-dependent activities. More information can be found at <http://www.ecy.wa.gov/programs/sea/shorelines/smp/>.

Page 6:

Pollution Correction

Does not include stormwater pollution correction by CCD CD (as discussed on page 20, Section 4.3).

Again, is WSU going to provide information and technical assistance to correct pet and wildlife waste pollution?

Response: We’ve lumped stormwater, pet and wildlife waste into one category in the most recent version of the plan. WSU will not be providing technical assistance at this point but may in the future.

Page 8:

“The Clallam County Master Gardeners administers the Puget Sound 12,000 Rain Gardens Project.” This sounds as if Clallam County Master Gardeners is leading the entire project. I think they lead Clallam County efforts to support the Puget Sound project. (You might check with Clea Rome as to how to word this more accurately.)

Response: We clarified by adding that the Master Gardeners are the “local” administrators of this Puget Sound rain gardens project.

Page 14:

“The purpose of the reconnaissance is to ground truth information evaluated in the office and further define the project area”. What does this mean? Are there some typos or words missing or?

Response: We tried to clarify this sentence.

Page 20

SECTION 4.3: STORMWATER POLLUTION CORRECTION (typo)

Response: This section has been incorporated into Pollution: Other Sources category.

Comments from Mr. Steve Jamieson, Dec. 18, 2014

Responses provided by Clallam Conservation District, Dec. 22, 2014

Section 1.2: Overview of Pollution Identification & Correction Program Steps

Mr. Jamieson's comment: Step 1 – Select PIC Project Areas

The public outreach should be more specific in defining how the public will be notified that a specific area has been targeted. This should include E-mail and direct mail as well as the other methods stated. Notification should include the summary of the trends monitoring data and other relevant information and/or directions of how to obtain this information (i.e., website URL). A timeline for the correction steps should be defined and made available to the public.

Response: Note that Sections 1.2 and 1.3 are intended to provide general overviews and details are included in later sections of the plan. Please refer to page 16 for more details regarding public outreach during PIC project area selection. The plan has been updated to include the use of email and social media for public notification.

Mr. Jamieson's comment: Step 4 Prioritize Parcels for Inspection: Owners of parcels being considered for inspection must be notified that their property has been identified as a potential source of pollution (i.e., Hot Spot).

Response: Please refer to page 19 for more information on parcel assessment steps. Step 1 is to contact the property owner/occupant. Step 2 is to obtain consent for assessment activities that are planned to occur on the parcel. Once a hotspot has been confirmed all landowners will receive a letter from CCEH with a summary of the pollution concern and steps needed to correct the concern. Please refer to Appendix J for sample pollution notification letters.

Mr. Jamieson's comment: Step 5 Conduct Parcel Inspection: Owners of the parcels being inspected must receive information regarding the results of the inspection. This should include all information obtained prior to and during the inspection.

Response: Page 19 of the plan has been updated by adding Step 4 - Provide a summary of inspection and assessment results to landowners following parcel assessment activities.

Mr. Jamieson's comment: Step 8 Conduct Follow-up Sampling to evaluate Effectiveness: The results of the follow-up sampling should be provided to the individuals impacted in the specific area being targeted. This information should clearly show how the corrective actions identified in Step 6 have resulted in reduction of the measured pollution data.

Response: Please refer to page 26. This section of the plan has been updated to include the use of emails and social media for informing residents living within a PIC project area about pollution reduction results.

Mr. Jamieson's comment: Step 9 Inform Public of Results: In addition, to providing individual parcel owners of targeted parcels of the specific results (Step 8), detailed information regarding the effectiveness of the corrective actions, information regarding enforcement actions and fines collected should be provided prior to any public meetings.

Response: Please refer to page 20. The plan was updated to ensure that landowners receive summaries of parcel inspection and assessments following assessment activities.

Section 1.3: Organization Roles and Responsibilities.

Mr. Jamieson's Comment: Project Area Selection: All materials used by the CWWG should be made available to the owners of property in the Project Area being selected. This should include the trend monitoring data, water body ranking and other relevant sub-basin information. A timeline for implementation of the various steps in the correction process must be developed and presented to the individual landowner and the public prior to implementation of the project.

Response: All material will be available not only to the owners of the property in a Project Area but to all interested members of the public. A project timeframe will be shared with residents at the first public meeting to introduce a PIC project (page 17 of the plan was updated to include a project timeframe).

Mr. Jamieson's Comment: Project Area Pollution Source Identification: The results of the initial project area assessment (i.e., the review of existing water quality data, OSS files and other relevant information) must be made available to the owners of the parcels in the targeted area.

Results of the targeted water quality sampling used for identification of hotspots should be made available to the individual and adjoining property owners and to the public in general.

Specific steps taken to notify residents of pollution problems that have been identified should be defined and documented.

Response: Data gathered during the project assessment, implementation and follow-up phases of a PIC project will be available not only to residents of a PIC project area, but to the general public. Landowners will be notified, in writing, by CCEH when a pollution source is likely originating from their parcel. Sample notification letters are found in Appendix J. CCEH is responsible for documenting and tracking parcels with identified pollution sources.

Mr. Jamieson's Comment: Pollution Correction: An estimated cost of any corrective actions recommended should be provided to the owners of properties found not to be in compliance. This should also include a cost/benefit analysis to determine the effectiveness of the corrective actions.

Response: This level of technical detail will be dealt with on a case by case basis by the organization providing assistance to the landowner. The Conservation District routinely helps landowners estimate costs for implementing recommended Best Management Practice (BMP) and explores the pros and cons (including financial) of each applicable BMP(s). If a resident is interested in participating in the Conservation District's cost sharing program, cost estimates are prepared for each recommended practice, including OSS repair, as part of the Cost-Share Application. However, regardless of the estimated costs and anticipated benefits of corrective actions, it is illegal to pollute waters of the state, and some measure of corrective action will be required for identified pollution sources.

Mr. Jamieson's Comment: PIC Enforcement Activities: Reporting of the effectiveness of OSS operation and maintenance regulations must be made to the public. This should include actions taken, fines collected and reductions of measured pollution as a result of actions taken.

Response: The goal is to encourage landowners to comply with state and county regulations; we prefer voluntary landowner compliance. Enforcement will be used only when landowners are not cooperative in correcting identified pollution sources. The DOH funding for implementing a pilot PIC program starting in 2015 requires measures of the effectiveness of the PIC program.

Mr. Jamieson’s Comment: PIC Project Area Follow-Up Sampling and Public Information about Results:

In addition for reporting the results of actions taken during the Project, regular public meetings (Quarterly or more frequently if required) should be conducted to report the status of actions being taken and the results, if any, of these actions.

Conservation District’s Response: Page 17 of the plan has been updated to include more details about PIC meetings. The frequency of PIC project area/neighborhood meetings will be dependent on the preferences of the residents living within the project area, but at a minimum will include a kick-off meeting and a wrap-up meeting. The initial public meeting will include a survey soliciting feedback on time, frequency, venue, etc., of future public meetings within each PIC project area, as well as other possible methods of keeping residents informed about PIC project activities.

Section 2: POLLUTION PREVENTION

Mr. Jamieson’s Comment: SECTION 2.1 Onsite Septic System Pollution Prevention:

In addition to publication of the “Clean Water Herald”, similar information should be on a CCEH website and updates provide to any community websites.

Response:

CCEH intends to have a County webpage devoted to the PIC program and will include information on PIC projects and related educational materials for pollution prevention. In response to comments at the December 11, 2014 PIC public meeting, PIC program information will be shared directly with the users of the Dungeness Neighbors Facebook page.

Mr. Jamieson’s Comment: Section 2.3 Pollution Prevention: Other Sources: Pet Waste Pollution

Prevention: Consideration should be given to assessing a fine to pet owners who fail to clean up and dispose of waste from their pets. Maybe this should be based upon the existing penalties assessed for public highway littering.

Response: Clallam County does not have the authority to assess fines for improper disposal of pet waste; however, if the state Department of Ecology determines that pet waste has the potential to pollute waters of the state, they can require remediation. The state can levy fines when action is not taken to remediate pollution problems.

Mr. Jamieson’s Comment: Section 2.3 Pollution Prevention: Wildlife Waste Pollution Prevention

Agricultural activities that attract waterfowl, such as planting grains or leaving some grain in fields following harvest if the purpose is to attract waterfowl for hunting should be targeted for change.

Response: The plan has been updated on page 21. The sentence about agricultural activities that may attract waterfowl has been deleted. All suspected sources of water pollution will be investigated.

Section 3: POLLUTION IDENTIFICATION

Mr. Jamieson's Comment: Section 3.1 Water Quality Trends Program: Data collected should be made available by access to the Clallam County Water Resources database and quarterly reports summarizing data should be distributed or made available to the public either directly or via Email.

Response: Page 14 of the plan has been updated to incorporate this comment. Please note that the CWWG quarterly meetings are also open to the public. Please contact Shawn Hines (360-681-4664; shines@jamestowntribe.org) with Jamestown Tribe and ask to be added to the email/ mailing list for future meeting notifications. Press releases will be sent out to notify the public about CWWG meetings.

Mr. Jamieson's Comment: Section 3.2 PIC Project Area Selection: Ranking of sub-basins should be provided to the public. This information should include all information collected (water quality data, shellfish harvest impairment, public health advisories, TMDL implementation, 303d listings and OSS areas of concern. Information should include the rating criteria worksheet used to select priority sub-basins (Appendix F). Public input to the DRMT should be published and made available for review prior submission to the County Board of Health. Notification must be made to affected property owners of any public meeting(s) to be conducted by the Board of Health or other group regarding the selection of the Project Area(s). Notification should include the date, time, location, and meeting agenda.

Response: Page 15 states that public outreach will be conducted to engage the community in the selection of a PIC project area. Both the CWWG and the DRMT meetings are open to the public. The plan has been updated (on page 15) to include more specific language regarding outreach to residents living with a proposed PIC project area. Efforts will be made to notify affected property owners; however, it isn't practicable to assure that every affected property owner will receive notification.

Mr. Jamieson's Comment: Section 3.3 Pollution Source Identification: All data collected during the PIC project implementation should be made available to the public either by Email or an identified URL.

Response: Page 13 of the plan has been updated to include more specifics regarding public notification.

Mr. Jamieson's Comment: STEP 1. PUBLIC OUTREACH AND LANDOWNER NOTIFICATION: Receipt of the notification to affected property owners must be documented.

Public meetings should be held on an ongoing basis to report the status of the project as well as successes and failures experienced. Meetings should be held a minimum of quarterly for property owners in the targeted Project Area.

Response: As previously stated, the frequency of PIC project area/neighborhood meetings will be dependent on the preferences and needs of project area residents, but at a minimum will include a kick-off meeting and a follow-up meeting. The initial public meeting will include a survey soliciting feedback on time, frequency, venue, etc., of future public meetings, as well as other potential methods of keeping residents informed.

Mr. Jamieson's Comment: STEP 2. PRE-SITE VISIT PROJECT AREA EVALUATION: Information/data collected during the pre-site visit evaluation should be made available to property owners either directly or by Email. This information should be provide to the landowner prior to the site visit.

Conservation District's Response: Page 20, Step 1 was updated to include a summary of the pre-site evaluation to be made available to property owners prior to a site visit.

Mr. Jamieson's Comment: STEP 4. CONDUCTING SHORELINE SURVEYS and STEP 5. CONDUCTING PARCEL-LEVEL ASSESSMENTS. Information used and the results of shoreline surveys and parcel-level assessments must be provided to the public and individual property owners prior to any actions being taken by PIC partners or CCEH.

Response: Plan has been updated on page 20, noting that the results of the shoreline surveys will be provided to the public. Plan revisions were also made to ensure that summaries of parcel-level assessments are provided to landowners (also on page 20).

Mr. Jamieson's Comment: Assessment of Onsite Septic System Pollution Sources:

Property owners located immediately adjacent to a confirmed hotspot must be notified of the potential or actual OSS failure and of the potential of further investigation of their property.

Positive response to the notification of a failed OSS system by the property owner must be obtained prior to any action being taken by CCEH.

Response: CCEH intends to inform property owners of adjacent hotspots of the need for further investigation. CCEH will notify residents when a pollution problem has been identified and will refer property owners and residents to the appropriate program partner for assistance with correction activities as described on p.8 in Section 1.3. The public will be informed about the results of pollution correction projects through press releases, newsletter articles, direct letters to residents, etc. CCD and other program partners will contribute to public outreach. (p. 9, Section 1.3). Note that the goal is to identify and correct water pollution sources in the most efficient and effective manner possible, preferably through voluntary action.

SECTION 4: POLLUTION CORRECTION

Mr. Jamieson's Comment: SECTION 4.1 Onsite Septic System Pollution Correction

Maximum amounts for both fines and penalties should be included in documentation.

Criteria for reducing, waiving or stopping application of a fine or the accumulation of penalties by either the Health Officer or hearing officer must be clearly defined and documented in each instance that the fine or penalty is adjusted.

Response: Please refer to Appendix K for procedures regarding OSS enforcement protocol. Appendix L and M outline protocols for both administrative infractions and civil penalties. Again, the goal is to correct the pollution source, thus considerable assistance will be available to hopefully avoid the need for enforcement.

Mr. Jamieson’s Comment: SECTION 4.3 Pollution Correction: Other Sources

If a wildlife pollution source is identified on land that has been planted or not harvested for the purpose of attracting wildfowl for hunting and resulting in a human-driven wildlife pollution source, CCD will coordinate with program partners to determine what corrective action can be taken.

Response: The goal of this section is to identify and correct human-induced wildlife pollution concerns, regardless of the purpose of the activity (example: hunting, farming, landscaping, recreation, etc.) that results in the pollution.

Mr. Jamieson’s Comment: SECTION 4.6 Follow-Up Meetings

Follow-up meeting should be scheduled at a specific time interval at the conclusion of the Project. This meeting should include examples of what worked as well as what didn’t work. If the correction didn’t work, what will be done to either eliminate that as a correction alternative or to modify it so that it will work.

Response: Page 27 of the plan has been updated to include details on the public meeting following a PIC project.

Mr. Jamieson’s Comment: SECTION 5: FUNDING

Efforts should be made to obtain or require funding from those receiving direct benefit from the reduction of pollution levels. For example, targeted should be Commercial Shellfish harvesters, landowners who are using or leasing land for commercial shellfish harvest or wildlife hunting and the Washington State Department of Fish and Wildlife who collects fees from the licensing of shellfish harvesting.

Response: The goal of the PIC program is to identify and correct water pollution sources that are a public health concern. Many sectors of the community and economy should benefit from a successful PIC program, and many questions remain to be answered regarding stable funding for the Clallam County PIC program. As you state in your example, the state collects shellfish licensing fees, thus the state controls the use of those revenues. However, this is a suggestion worthy of further discussion.