



# REVISION OF CHAPTER 246-272A WAC ON-SITE SEWAGE SYSTEMS

Washington State Board of Health  
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# Presenter

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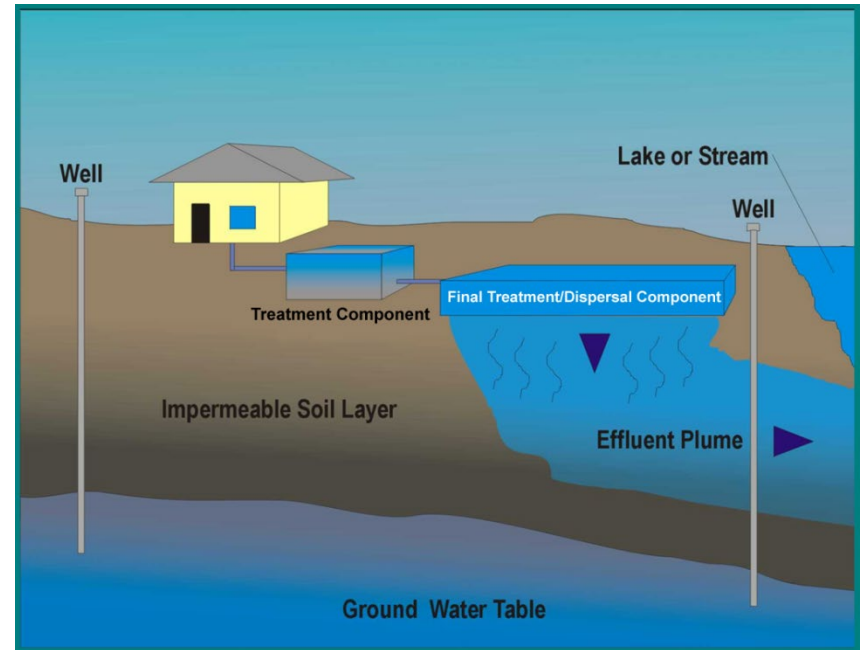
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# Chapter 246-272A WAC

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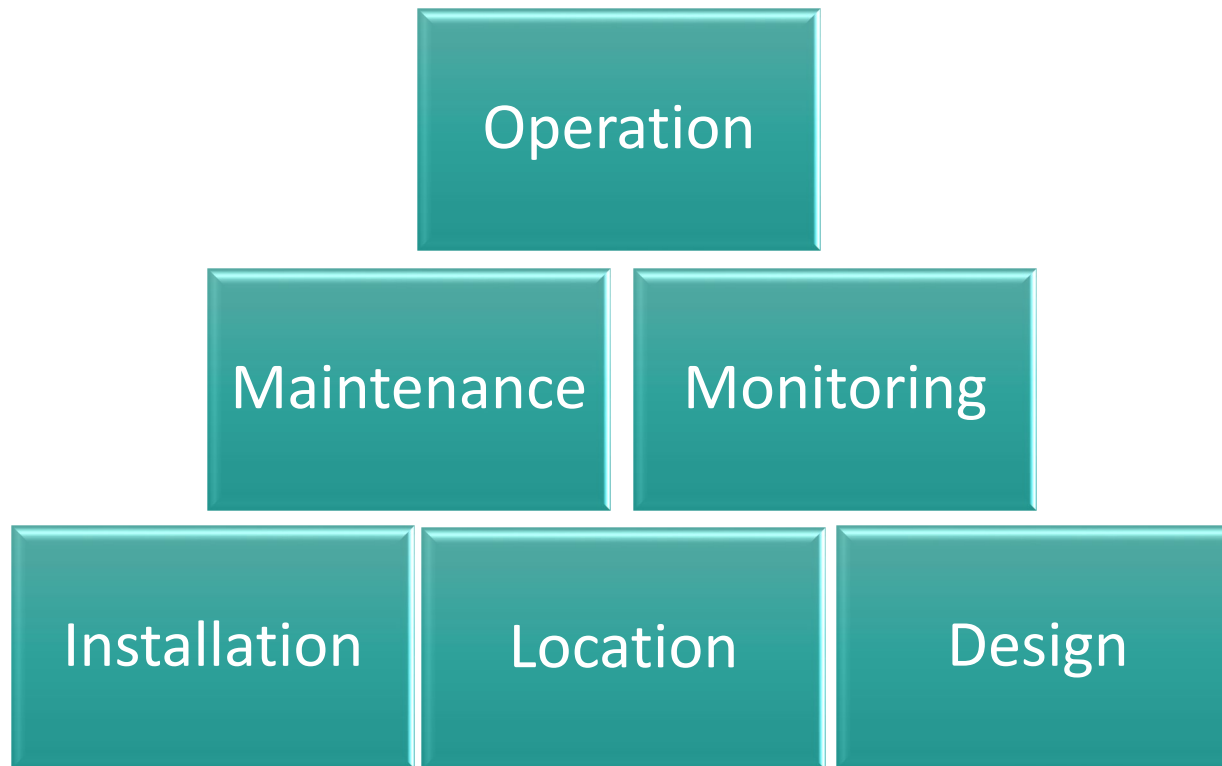
The on-site sewage system rule protects public health by minimizing:

- The potential for exposure to sewage from on-site sewage systems
- Adverse effects of discharges from on-site sewage systems on ground and surface waters



# Chapter 246-272A WAC Regulates On-site Sewage Systems

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# Rule Revision Process to Date



# Key Changes in Draft Rule

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- Local management plans
- Property transfer inspections
- Repairs
- Remediation
- Minimum lot size and land area

# Local Management Plans Summary of Draft Changes

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Require all LHJ's to develop an OSS plan to describe how LHJ will:

- Inventory OSS
- Identify sensitive areas where OSS may pose risk
- Identify O&M requirements in sensitive areas
- Educate & remind owners to do maintenance
- Maintain Records
- Enforce permit and O&M requirements
- Describe capacity of LHJ to fund activities in the plan
- Provide opportunity for public input into the plan
- Submit annual report to DOH

# Issues Raised Related to Local Management Plans (LMPs)

- Concern about cost to develop a plan
- Equity in state funding for Puget versus non-Puget counties
- What is the value of planning?
- Elements of planning that should be prioritized over other elements
- Support/guidance by DOH staff to develop plans
- Variation in local plans could be confusing
- Clarification regarding what to include in annual reports



# Adjustment to LMP Following Public Comment

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- Differentiate between Puget and non-Puget counties
- Puget Counties must develop a full LMP as recommended by revision committee
- Non-Puget Counties' LMPs must include:
  - Education for OSS owners to perform maintenance, including:
    - routine evaluations
    - property transfer inspections
  - Describe how LHJ will fund and implement the LMP

# Property Transfer Inspections (PTI) Summary of Draft Changes

- Require property transfer inspections for all OSS statewide
- Inspection may not be required if OSS recently inspected
- Inspections tied to LMPs
  - Provide opportunity for LHJ to educate OSS owners about maintenance

# Issues Raised Related to Property Transfer Inspections

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- General consensus on the value of performing an inspection during property transfer
  - Protects buyer & seller
  - Finds & fixes OSS problems
  - Protects investment and public health
- Concern over potential to add costs to LHJs and home buyers/sellers
  - Some LHJs concerned about cost to get program started and fees to sustain it
  - Real estate community supportive of requirement but want to ensure that process does not lead to loss of housing stock or undue delays

# Adjustment to PTI Following Public Comment

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- Working with Washington Realtors to educate Realtors statewide and to develop a template for a PTI form that could be used statewide
- Working with Washington Onsite Sewage System Association so that training is available for service providers from across the state
- Plan to work with LHJs that need assistance to develop a service provider certification program so that qualified inspectors are locally available to conduct PTIs
- Plan to activate Wastewater Policy Advisory Group to work on implementation of PTIs. This group will be staffed by LHJ representatives, Washington Realtors, and other interested stakeholders.

# Repairs

## Summary of Draft Changes

- Defined “Minor Repair”
- Clarified and refined threshold for permit requirement

# Issues Raised Related to Repairs

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- General consensus that minor repairs will benefit OSS owners by eliminating need for a permit, reducing paperwork and administrative procedures
- Creates more distinction between minor malfunctions of OSS and full OSS failures
  - Benefits education and messaging with OSS owners
  - Benefits data collection and trend analysis of OSS performance

# Remediation

## Summary of Draft Changes

- Added pathway for LHOs to allow owners to remediate malfunctioning or failing OSS
- Defined remediation minimum standards
- Directed LHO to develop local policy on remediation

# Issues Raised Related to Remediation

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- Provides a straightforward means for remediation practices that have historically either been disallowed or had unclear and difficult pathways through the rule, as well as emergent practices, to be reviewed and considered for local approval by LHOs
- Creates more options and innovation
- Resolves outstanding OSS Remediation CR 101 filed in 2005



# Minimum Lot Size and Land Area Summary of Draft Changes

- Increased minimum lot sizes by 500 to 1,000 sq. ft. for new developments with public water supplies
- Established a minimum usable land area requirement for new developments using OSS
- Created a nitrogen-based methodology for development on smaller lots that do not meet minimum lot size requirements which allows development of small lots without waivers while ensuring protection of ground and surface waters

# Issues Raised Related to Minimum Lot Size and Land Area

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- Minimum lot sizes slightly increased to mitigate nitrogen load on the environment
- Appreciation of alternative ways to build on smaller lots by using nitrogen reducing technology

# Other Key Issues

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- Other issues addressed in current draft:
  - Incorporated passage of SSB 5503 into rule
  - Added field testing to confirm product performance
- Other issues raised in review of the current draft:
  - Sea level rise in relation to setbacks and planning
  - Impact from nitrogen and phosphorus in waters from OSS particularly in subdivisions because some stakeholders want a nitrate mass balance required for subdivisions

# What's Next?

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- **Fall 2019:** Conclude making changes to draft rule based on comments received during informal comment period
- **Winter 2020:** Conduct internal review and prepare final draft
- **Spring/Summer 2020:** Complete rule analyses; briefing to SBOH
- **Summer/Fall 2020:** File CR102 (proposed rule); hold public hearing
- **Fall 2020:** File CR103 (rule adoption)



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