



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

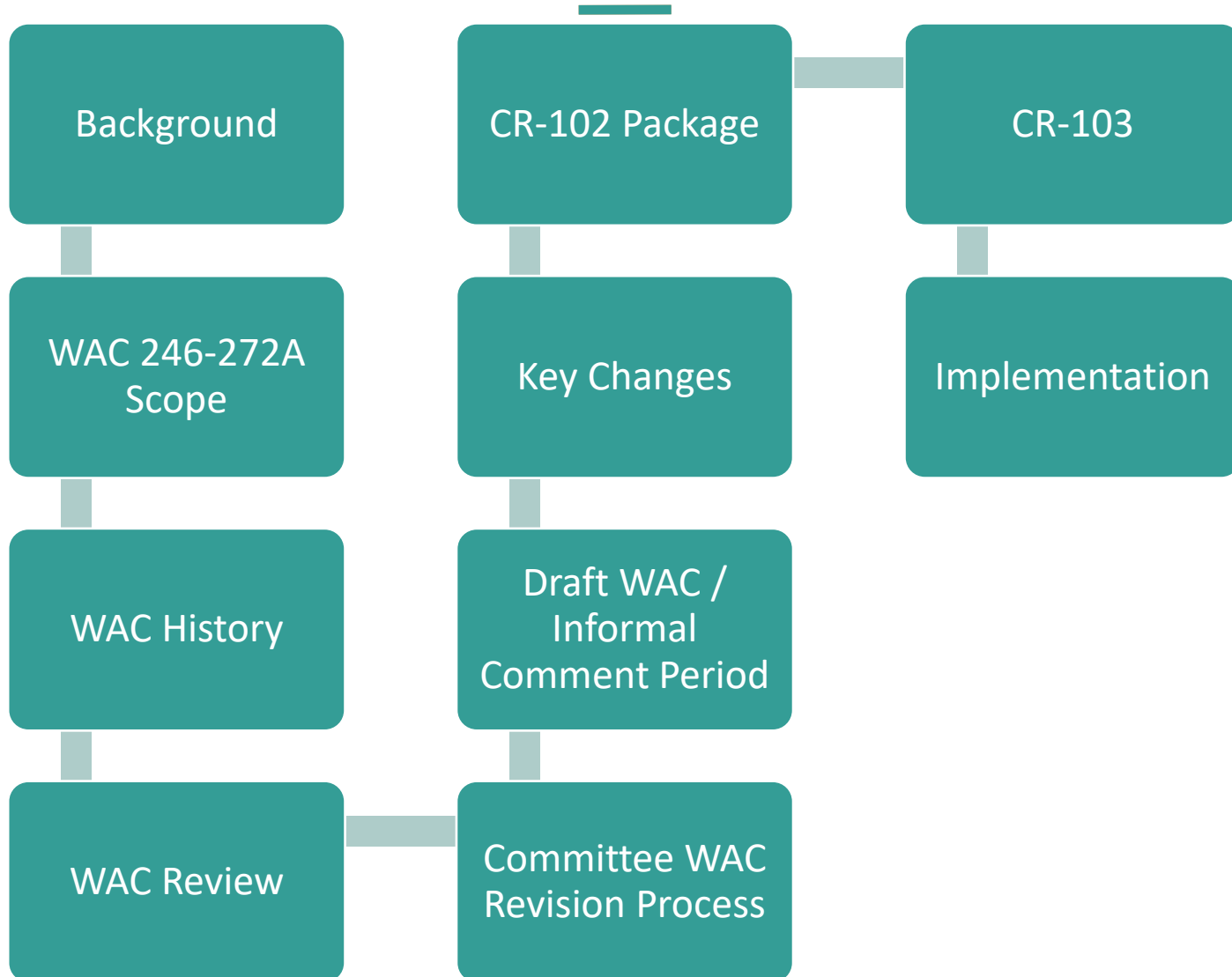
State Board of Health Update
January, 2023

Presenter

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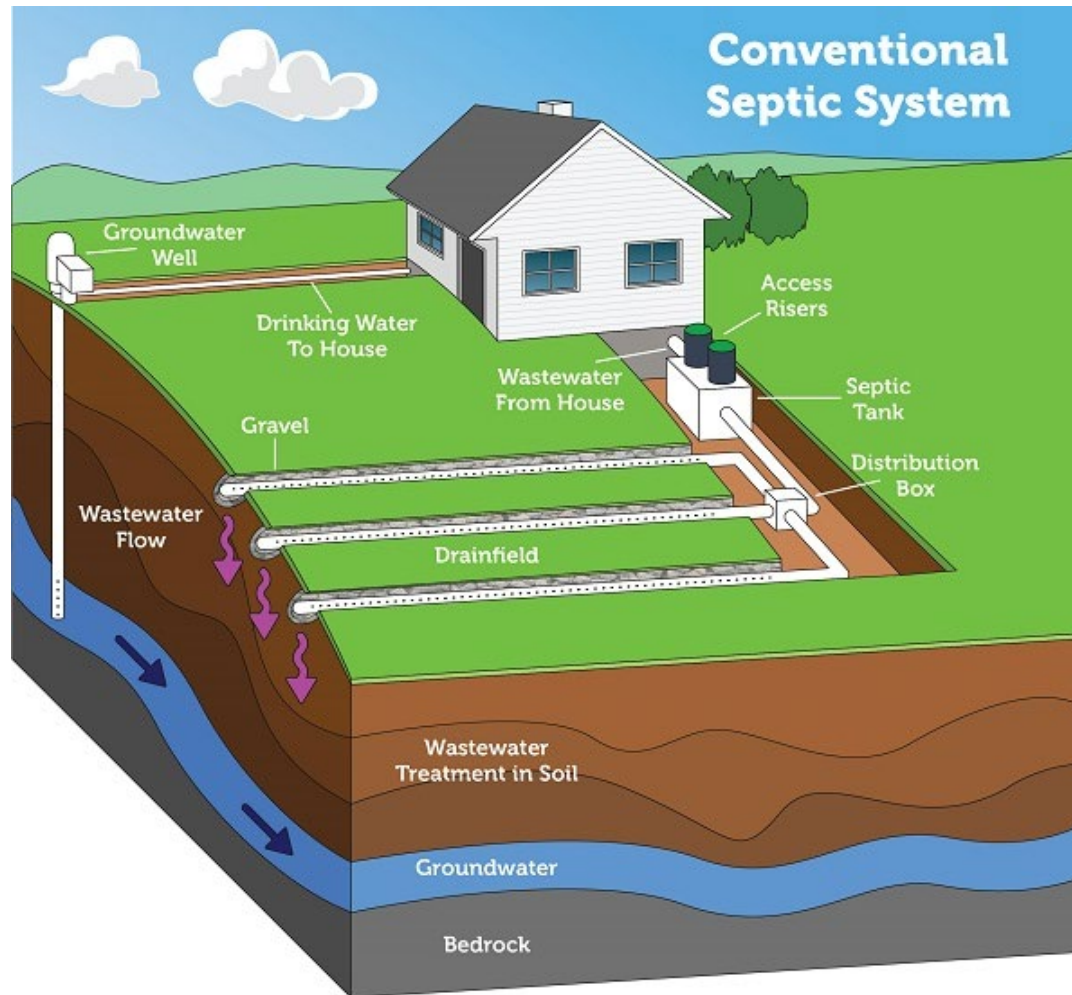
Presentation Outline



Acronyms

- LHJ = Local Health Jurisdiction
- LHO = Local Health Officer
- LMP = Local Management Plan
- LOSS = Large On-site Sewage System
- OSS = On-site Sewage System

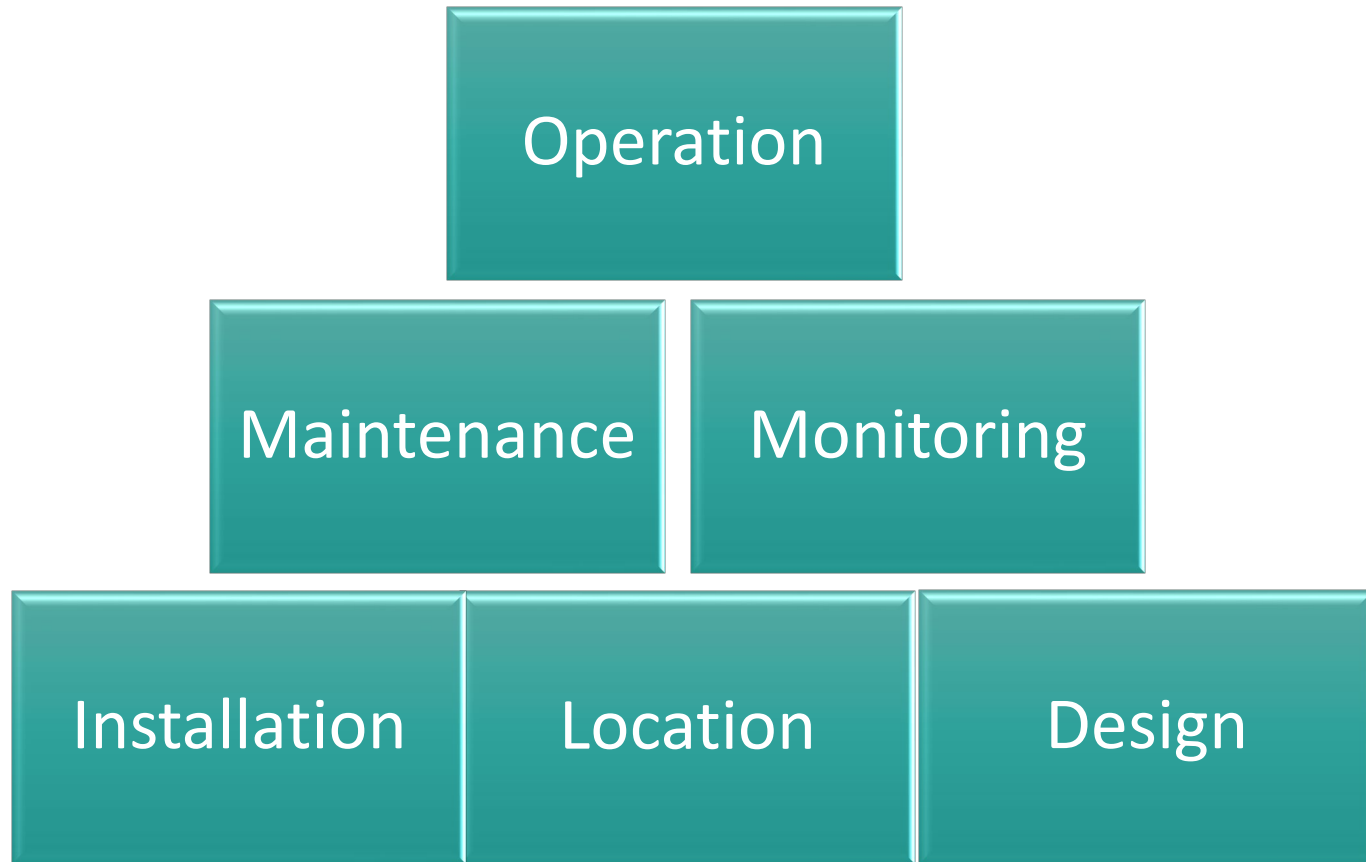
On-site Sewage System (OSS)



Please note: Septic systems vary. Diagram is not to scale.

[Types of Septic Systems | US EPA](#)

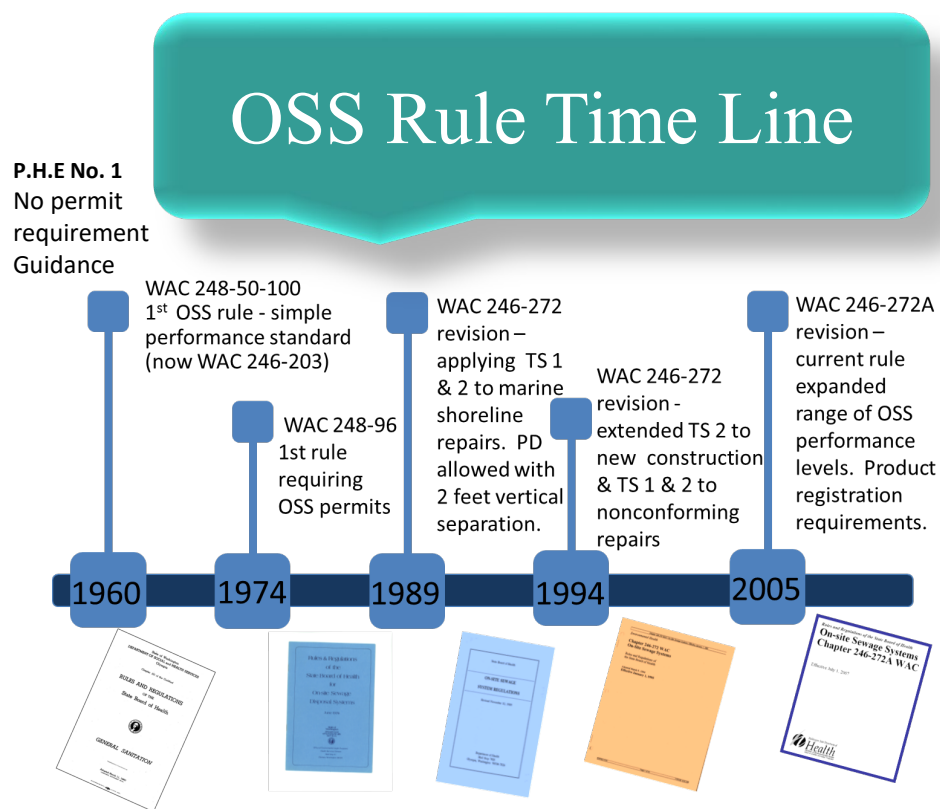
Chapter 246-272A WAC Regulates On-site Sewage Systems



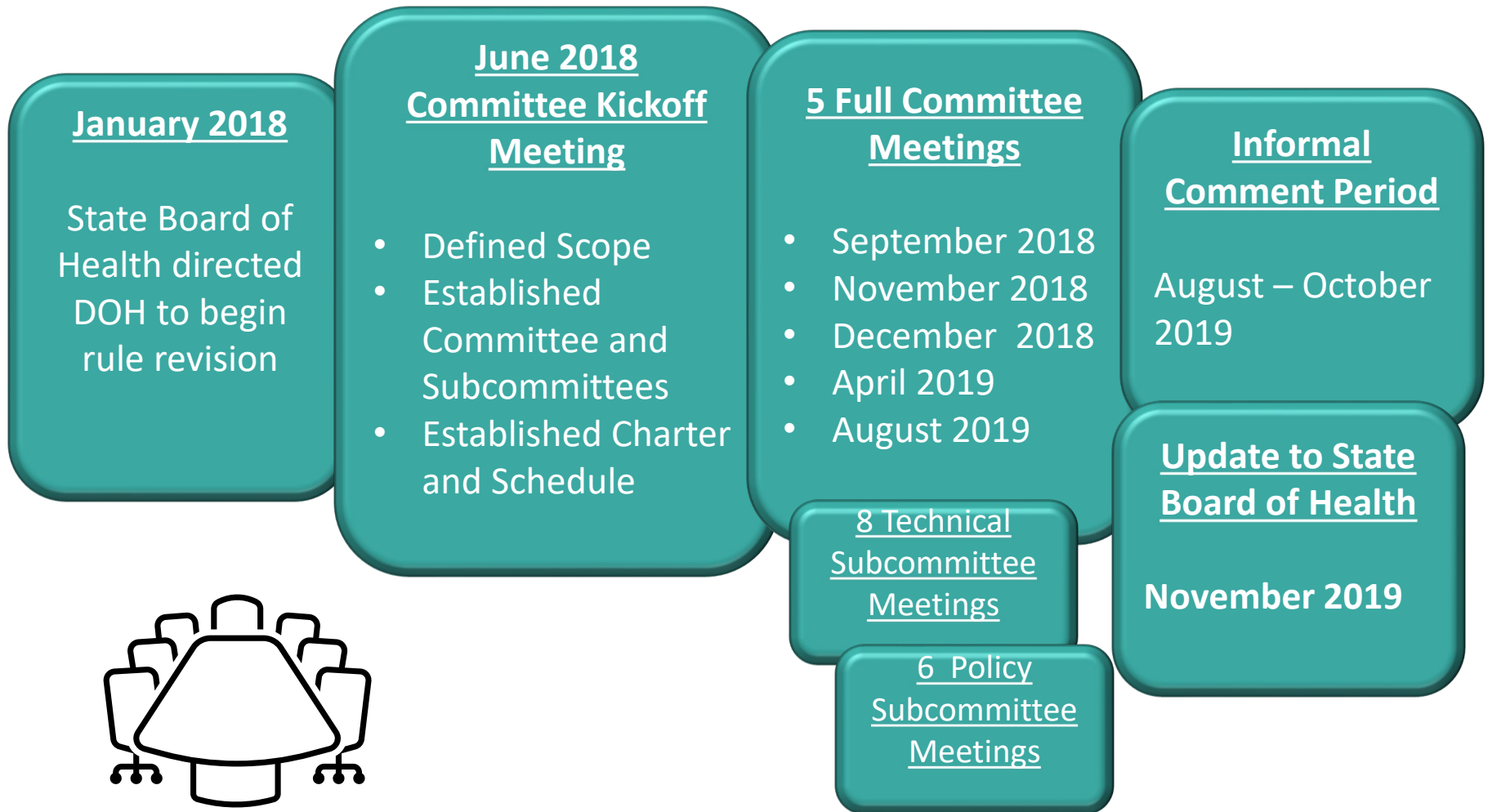
Chapter 246-272A WAC

WAC 246-272A-0425 requires DOH to:

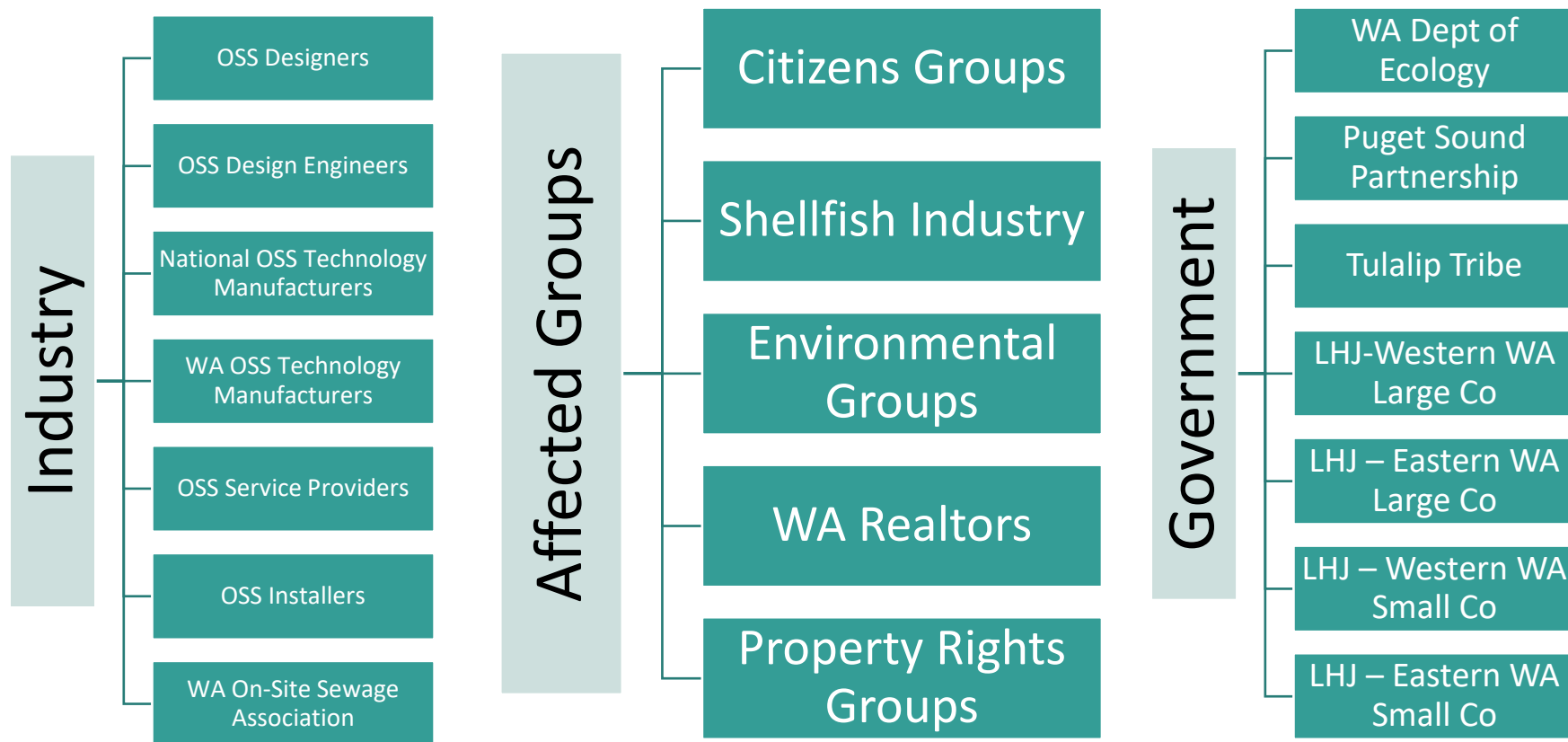
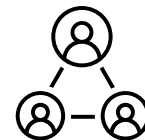
- Evaluate the effectiveness of the rule every four years
- Determine if revisions are needed
- Report recommendations to the state board of health and local health officers
- **The rule was reviewed in 2009 and 2013, with the finding that no revisions were needed**
- **In 2017 the review concluded with the finding that revisions were needed**



Committee Revision Drafting Process



Who was on the Revision Committee?



- ✓ DOH facilitated and participated in conversations
- ✓ SBOH Staff attended and provided input on many meetings

All Rectangles =
Voting Members

Legislation

In 2018,
SSB 5503
Passed

It Addressed:
Repairs/Failure
Inspection
Access &
Notification
Easements

SSB 5503 Became
RCW 43.20.065

RCW 43.20.065

Two important new requirements

Rules must:

1. Give first priority to allowing repair and second priority to allowing replacement of an existing conventional on-site sewage system, consisting of a septic tank and drainfield, with a similar conventional system;
2. Allow a system to be repaired using the least expensive alternative that meets standards and is likely to provide comparable or better long-term sewage treatment and effluent dispersal outcomes.

August – October 2019

Informal Comment Period

157 Comments

- OSS Designers
- Department of Ecology
- Elected Officials
- Environmental Advocates
- LHJ Partners
- Manufacturers
- Realtors

Local Management Plan Updates

- LHJs concerned costs outweigh benefits & about equity between funded and unfunded counties
- Industry supportive as way to increase number of OSS in compliance

Property Transfer Inspections

- Consensus on value to public health, environmental, and consumer protection
- Some LHJs concerned about cost to get program started and fees to sustain it
- Real estate community supportive if process does not lead to loss of housing stock or undue delays

Remediation

- Appreciation of options for LHJs and owners

Minimum Land Area

- Appreciation of alternative way to build on sub-sized lots by using nitrogen-reducing technology

Key Changes in Draft Rule

Local
Management
Plans

Field Verification
of Proprietary
Products

Property
Transfer
Inspections

Repairs

Remediation

Minimum Lot
Sizes

Product Supply
Chain Issues

Current Requirements Local Management Plans Puget Counties

Currently, Puget Sound LMPs must specify how the LHJ will:

- Find and inventory OSS
- Identify areas where OSS could pose increased risk
- Identify operation, maintenance, and monitoring requirements for OSS within increased risk areas
- Educate homeowners on their responsibilities
- Remind homeowners to complete routine inspections

Revisions to LMP Requirements Puget Counties

LMPs must include everything previously required and, in addition must:

- Be reviewed every 5 years by LHJ and DOH and be revised as needed
- Include in the list of areas to consider where OSS may pose increased risk:
 - Areas where phosphorus is a contaminant of concern
 - Areas where sea level rise may impact horizontal separations to surface water
- Include a summary of program expenditures by activity and fund source and a strategy to fill any funding gaps.
- Report OSS inventory numbers to DOH

Local Management Plans

Non-Puget Counties

Currently, Non-Puget Sound LMPs must describe:

- How the LHJ will remind and encourage homeowners to complete routine inspections
- The capacity of the LHJ to provide education and operational and maintenance information
- The capacity of the LHJ to fund the OSS plan

The draft revisions propose no changes to the Non-Puget Sound LMPs

Field Verification of Proprietary Treatment Products

Manufacturers of proprietary products which treat fecal coliform, E. coli, or nitrogen must complete a one-time Field Verification Report following the:

Proprietary On-site Wastewater Treatment Products Department Standards and Guidance

This document requires:

- Sampling 25 of each registered treatment product in the field;
- Sample results to meet the registration level that the product is registered on the department's *List of Registered On-site Treatment and Distribution Products*;
- Products that do not meet the treatment level they are registered at are referred to the Technical Advisory Group, for recommendation to the department. Product registration may be adjusted or rescinded.

Property Transfer Inspections (PTIs)

- All OSS must be inspected preceding a property transfer inspection beginning two years after effective date of rule
- LHO may:
 - Remove the requirement for the inspection if OSS is in compliance with routine inspection requirements in WAC 246-272A-0280(1)(e)
 - Verify the results of the inspection
 - Require additional inspections and requirements
 - Require a compliance schedule for failures discovered during PTIs
- WA Realtors asked us to create a standardized PTI form. EHDs asked us to not make this mandatory. The draft language requires that the owner use a form approved by the LHO.

Repairs

Incorporated requirements from RCW 43.20.065, including:

- Priority is given to allowing a repair or replacement of a conventional OSS, consisting of a septic tank and drainfield, with a similar conventional OSS that complies with standards and provides comparable long-term treatment;
- Allowing repairs using the least expensive alternative that meets standards; and
- That LHO not impose or allow the imposition of more stringent performance requirements of equivalent OSS on private entities than public entities.

Repairs

- New definition for Minor Repair to clarify that permits aren't needed for many repairs.
- LHO must evaluate all unpermitted discharges to determine if they pose a public health threat. If determined to be a public health threat the LHO shall require a compliance schedule.
- LHO must report failures within 200 feet of shellfish growing areas to the department.

Remediation

Summary of Draft Changes

- Option that Local Health Officer may develop a remediation policy.
- Remediation must not:
 - Result in damage to the OSS;
 - Result in insufficient soil treatment in the zone between the soil dispersal component and the highest seasonal water table, restrictive layer, or soil type seven; or
 - Disturb the soil in or below the soil dispersal component if the vertical separation requirements of WAC 246- 272A-0230 are not met.
- Department must maintain a guidance document on remediation.
- Closes a 2006 CR-101 on remediation.

Minimum Lot Size and Land Area Summary of Draft Changes

- Minimum lot sizes increased by 220 to 1,000 sq. ft. for new developments with public water supplies
- New minimum usable land area requirement for new developments using OSS
- New nitrogen-based methodology for development on smaller lots that do not meet minimum lot size requirements
- Added clarifying language that LHOs may permit an OSS on a preexisting lot of record that does not meet current minimum land area requirements only if it meets all requirements of chapter 246-272A WAC without the use of a waiver

Product Supply Chain Issues

- Allow repairs with components that the product was not tested and registered with
- Requires Engineer to attest that repairs will not impact performance or maintenance
- Only necessary retrofits allowed

Cost Survey and Significant Analysis

Cost Survey & Significant Analysis Work

- DOH conducted surveys on estimated costs to implement the proposed rule:
 - All LHJs
 - All Professional Engineers in Washington
 - All Onsite Sewage System Designers
 - All known manufacturers
 - Hundreds of Installers, Service Providers, and Pumpers
- DOH is currently compiling and have begun analyzing this data
- DOH is currently developing the Significant Analysis, which takes a deeper look at costs and investigates nonmonetary impacts

What's Next?

- ◉ **Now:** Update State Board of Health
- ◉ **March 2023:** Briefing to State Board of Health;
- ◉ **March 2023:** File CR102 (proposed rule);
- ◉ **April 2023:** Last day to submit written comments
- ◉ **June 2023:** Hold public hearing
- ◉ **July 2023:** File CR103
- ◉ **Summer/Fall 2023:** Begin training partners on rule's new requirements
- ◉ Staggered effective dates, rule implementation (**June 2024** most new requirements)



Washington State Department of Health is committed to providing customers with forms and publications in appropriate alternate formats. Requests can be made by calling 800-525-0127 or by email at civil.rights@doh.wa.gov. TTY users dial 711.