



REVISION OF CHAPTER 246-272A WAC
State Board of Health Briefing
October 2023

Presenter

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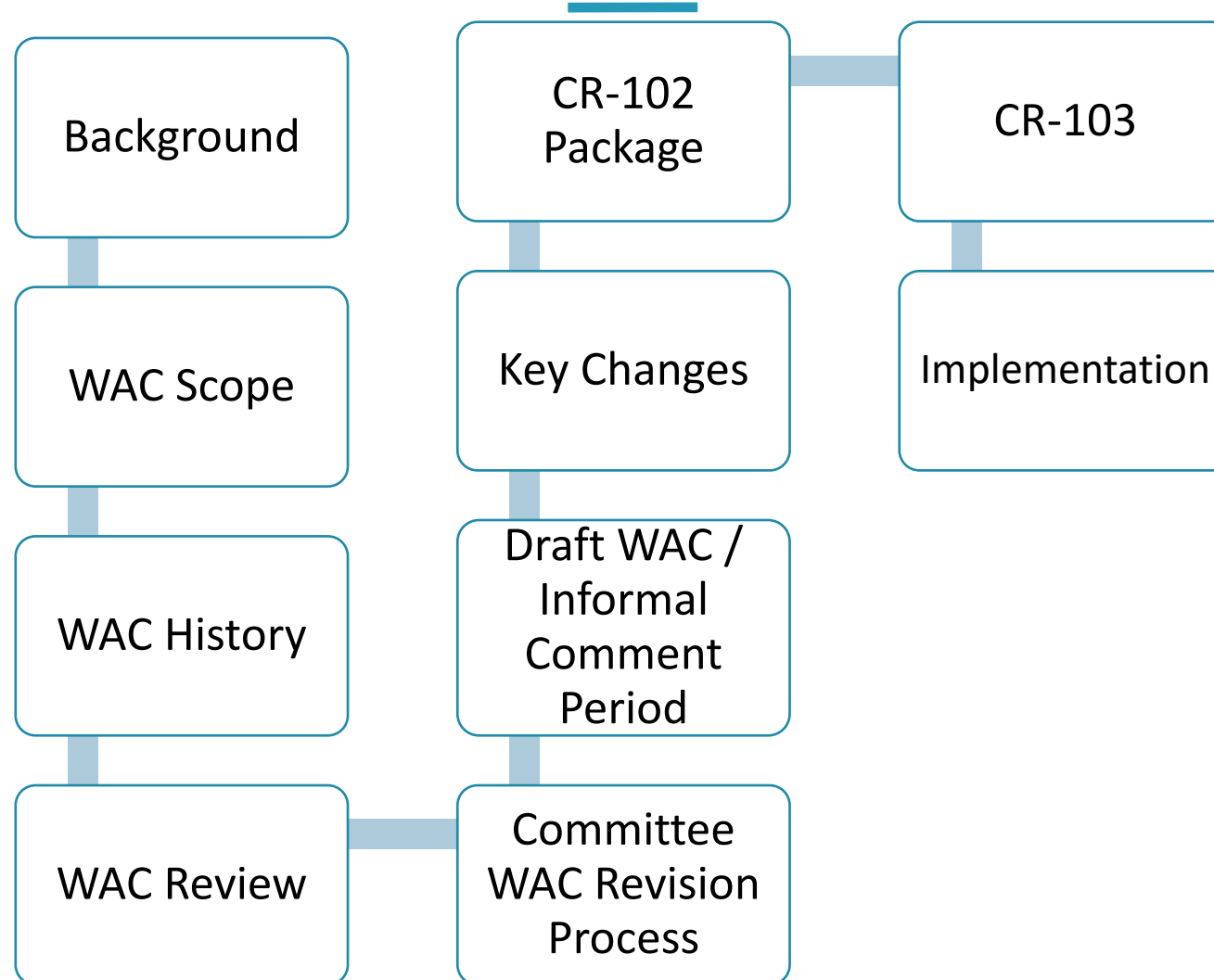
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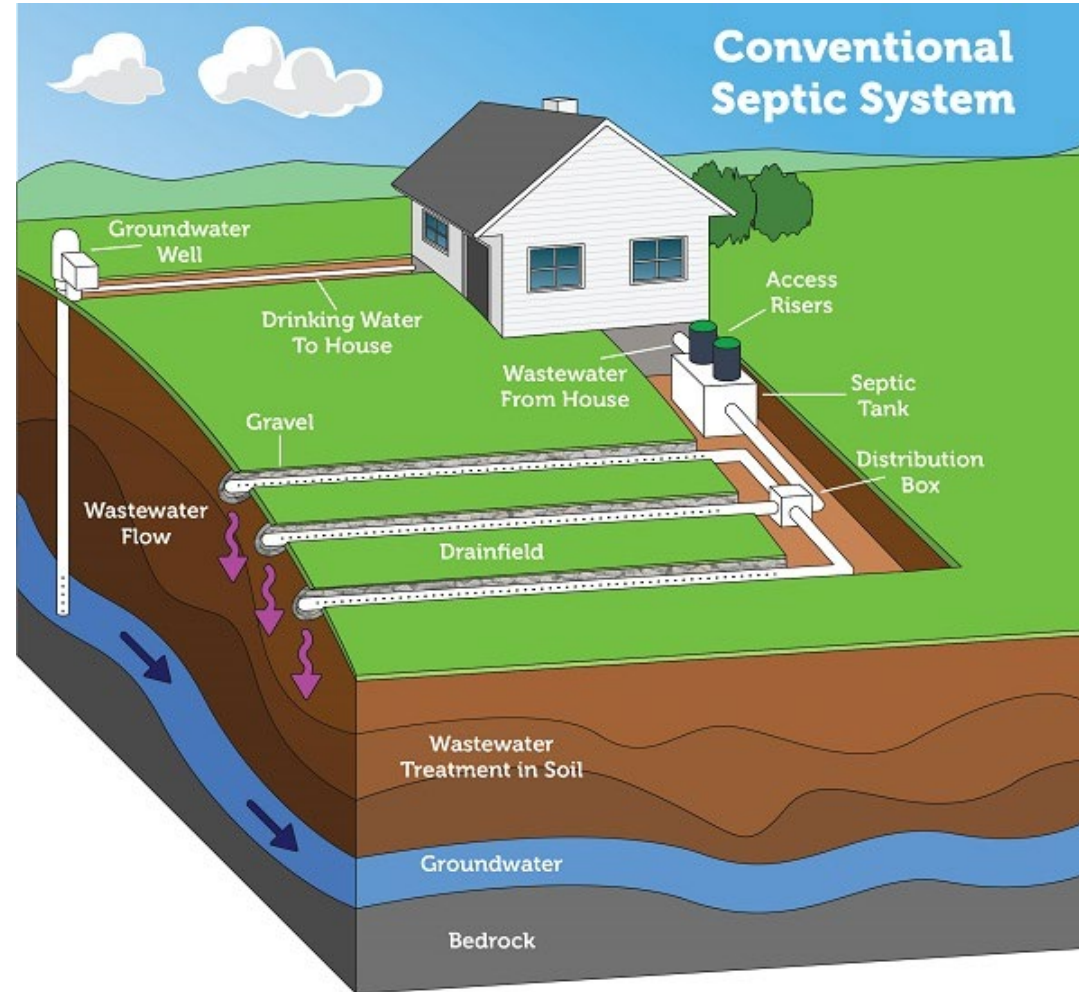
Presentation Outline



Acronyms

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

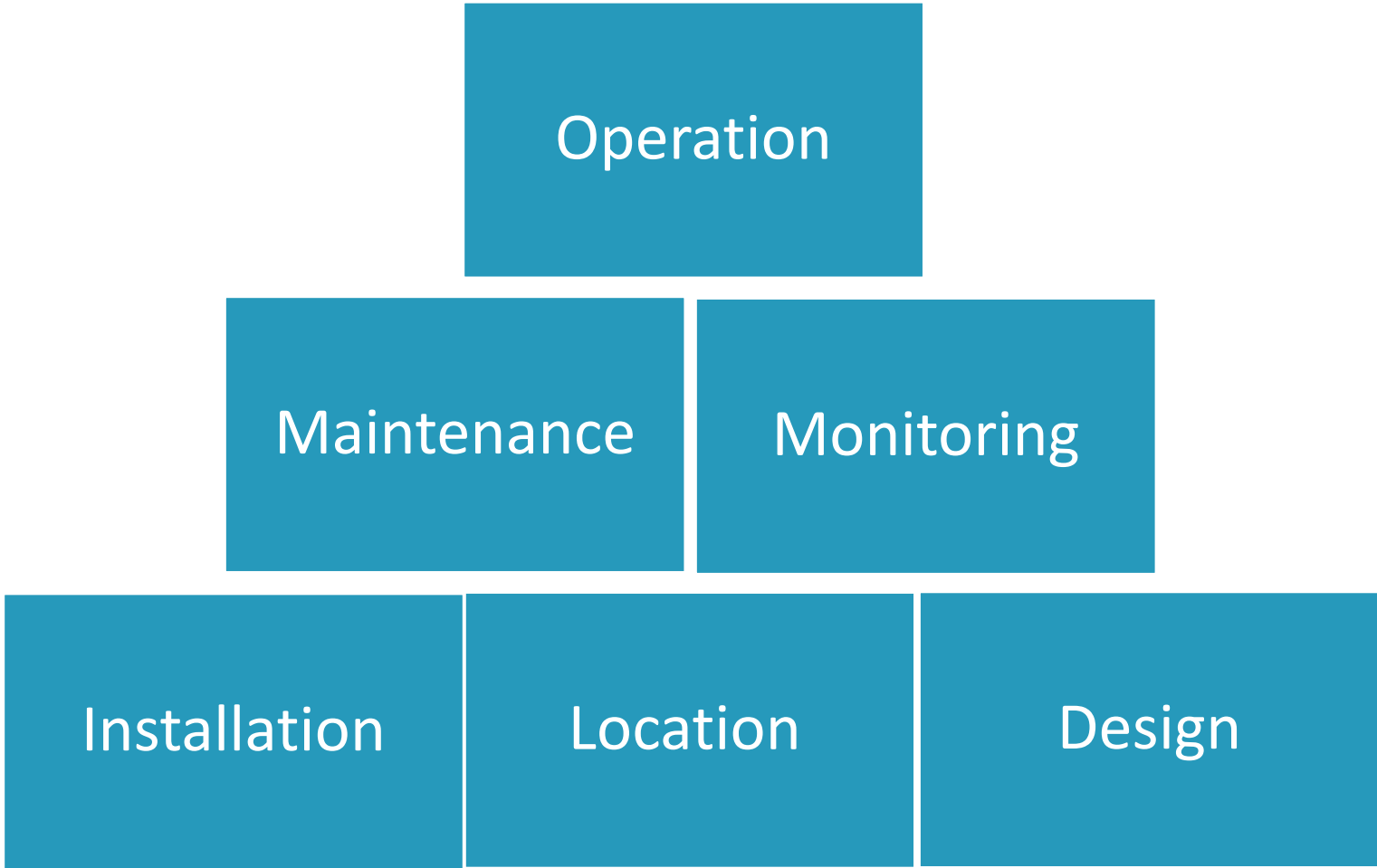
On-site Sewage System (OSS)



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

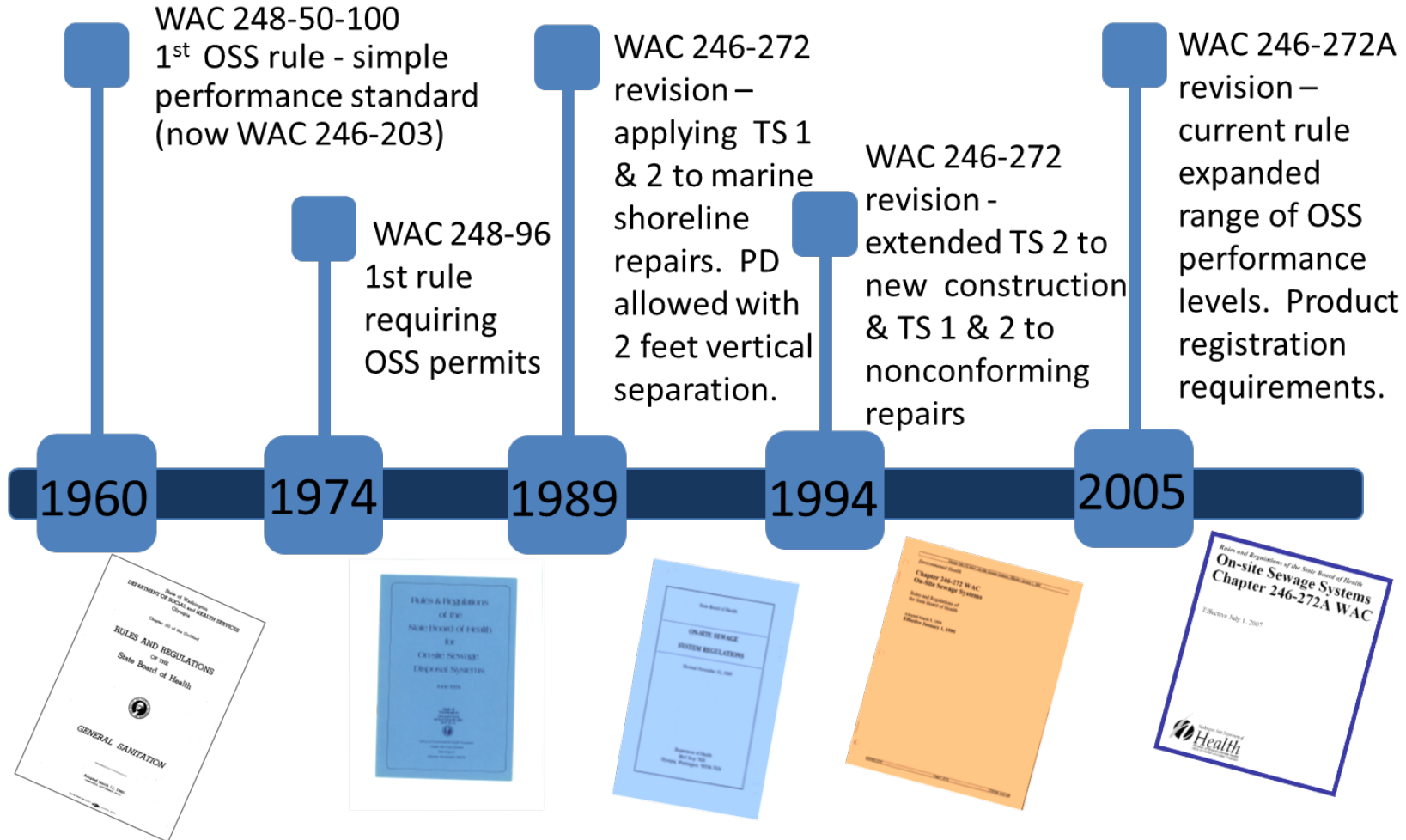
[Types of Septic Systems | US EPA](#)

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



Chapter 246-272A WAC History

P.H.E No. 1
No permit
requirement
Guidance

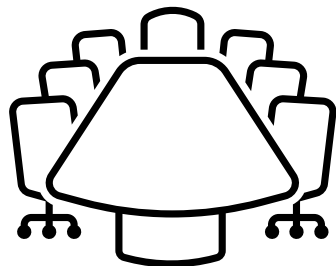


Chapter 246-272A WAC Review

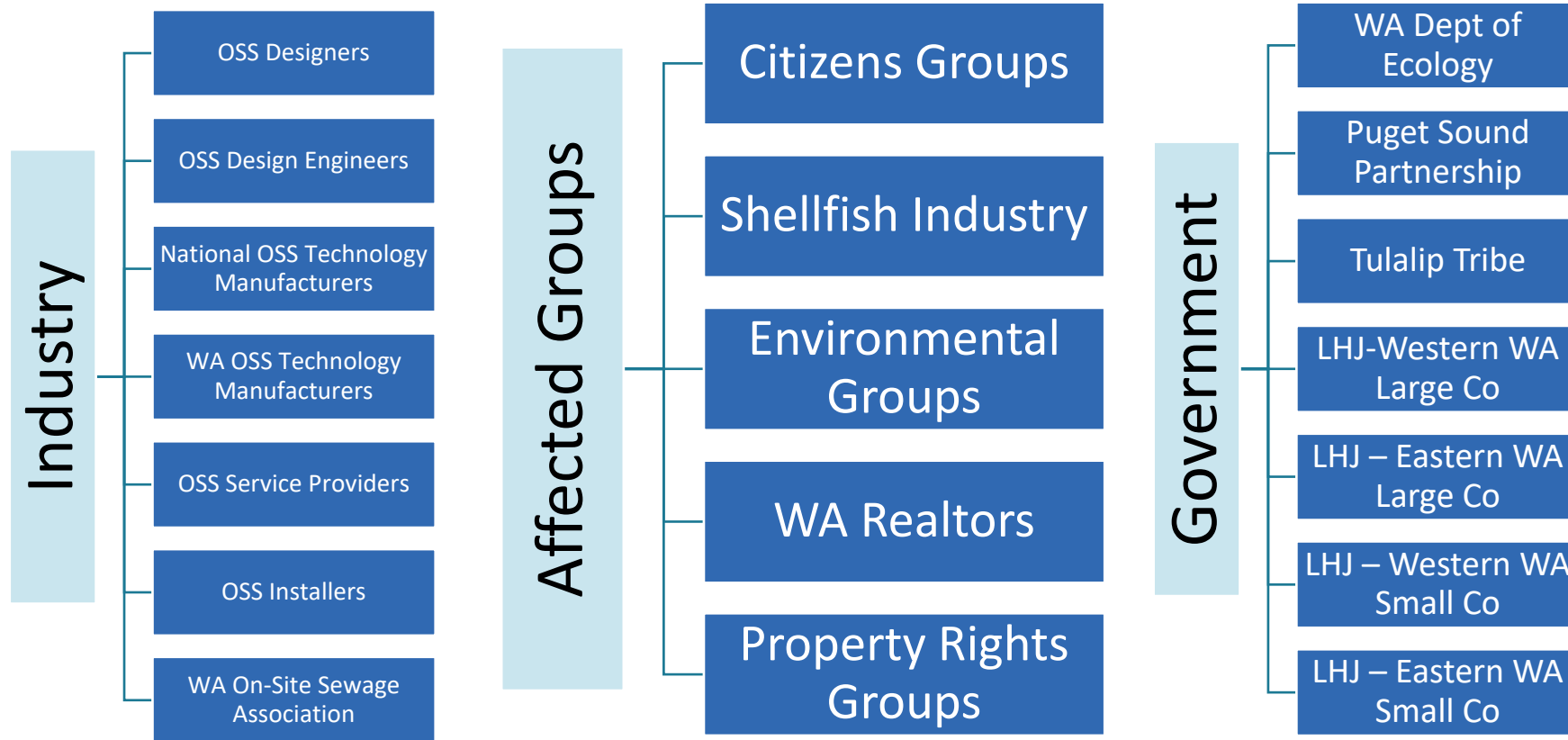
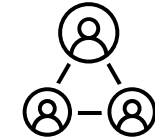
WAC 246-272A-0425 requires DOH to:

- 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

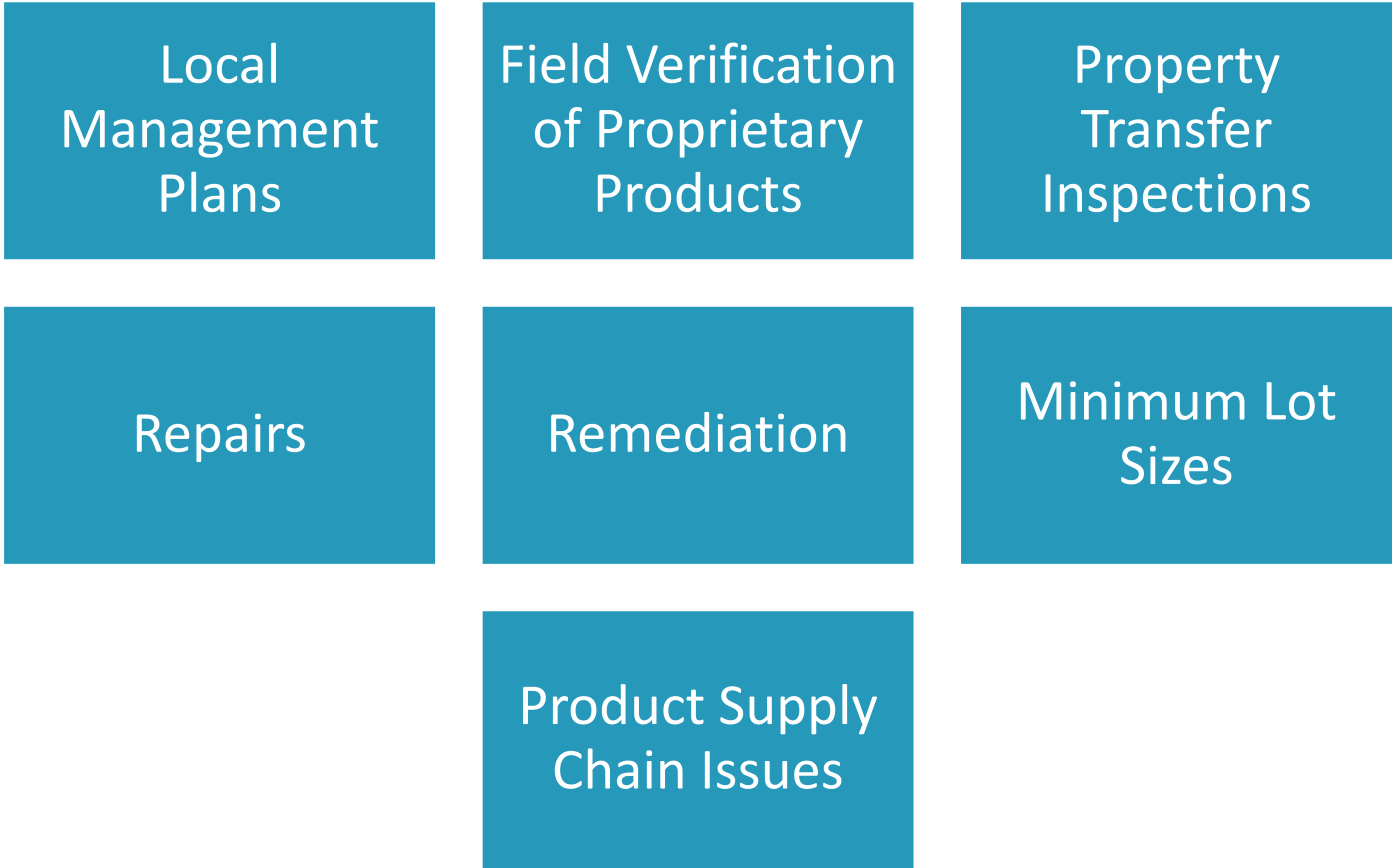
Legislation

- In 2018, Substitute Senate Bill (SSB) 5503 Passed
- SSB 5503 addressed
 - Repairs/Failure
 - Inspection Access and Notification
 - Easements
- SSB 5503 became RCW 43.20.065
 - Two important new requirements
 1. Give first priority to allowing repair and second priority to allowing replacement of an existing conventional OSS, 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	Trending Topics
<ul style="list-style-type: none">• OSS Designers• Department of Ecology• Elected Officials• Environmental Advocates• LHJ Partners• Manufacturers• Realtors	<ul style="list-style-type: none">• Local Management Plan Updates• Property Transfer Inspections• Remediation• Minimum Land Area

Key Changes in Draft Rule



Current Requirements Local Management Plans (LMP) Puget Sound 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 Sound 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; and
 - 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 Sound 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 revisions propose no changes to the Non-Puget Sound LMPs.

Field Verification of Proprietary Treatment Products

Manufacturers must:

- Collect and analyze field samples from each proprietary product which disinfects bacteria or treats nitrogen.
- Report the results to the department.

Requirements:

- Mean of sample results must meet the treatment level that the product is registered.
- Registration for products that do not meet the treatment level they are registered at 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
- Local Health Officer (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

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
- LHO not impose or allow the imposition of more stringent performance requirements of equivalent OSS on private entities than public entities.

Repairs Continued

- 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

- Option that LHO 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

- Minimum lot sizes increased by between 500 and 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 of proprietary products 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

- 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 analyzed this data and developed:
 - Significant Analysis
 - Small Business Economic Impact Statement

What's Next?

- October 2023: Board Briefing
- October 2023: File CR102 (proposed rule)
- January 2024: Hold public hearing
- February 2024: File CR103
- Spring 2024: Begin training partners on rule's new requirements
- Staggered effective dates:
- Effective Immediately: product supply chain Issues
- January 2025: most new requirements
- January 2027: property transfer inspection requirement
- 2027: Next rule review due

Questions?



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