

Key Draft Rule Changes

October 2023

On-site Sewage Systems (OSS) Chapter 246-272A WAC

This document lists the key proposed changes to the rule.



Property Transfer Inspections

Beginning in 2027, all on-site sewage systems (OSS) must be inspected when the property is sold or the deed is transferred. The Local Health Officer (LHO) may remove this requirement if the OSS has had a recent routine inspection. The LHO may verify the results of the inspection, require additional inspections, and require that failed OSS discovered during the property transfer inspection are repaired on a set timeline.



Minor Repairs

There is a new definition for “Minor Repair” to clarify that permits are not needed for some repairs.



Repairs

The LHO must:

- Allow the least expensive repair or replacement of an OSS that meets the rule’s requirements.
- Evaluate all unpermitted sewage discharges and require any that pose a public health threat to be brought into compliance with the rule within a set timeframe.
- Report OSS failures to the Washington Department of Health if they are within 200 feet of shellfish growing areas.

LHOs may not impose more stringent repair requirements on private entities than public entities.



Remediation

LHOs may develop a policy allowing OSS remediation practices to correct certain problems and failures. Remediation practices that damage the OSS or result in insufficient soil treatment are not allowed.



Minimum Lot Sizes

Minimum lot sizes have been increased by 500 – 1000 sq ft, depending on soil type.



Minimum Usable Land Area

New lots being served by OSS must have a certain land area that is usable for septic system installation and repairs. This land cannot be under water, paved, impacted by an easement, or otherwise unusable for the OSS.



Field Verification of Proprietary Treatment Products

Manufacturers of OSS using disinfecting and nitrogen-treating proprietary treatment components must verify the efficacy of their products in the field. This will entail collecting samples from 25 installations in Washington State to evaluate their performance under field conditions.



Product Supply Chain

Proprietary products may be retrofitted with components they were not tested with if there is a supply chain or other manufacturing disruption. The manufacturer must provide a statement from an engineer that the retrofit will not impact OSS performance or maintenance.



Resilience

Sea Level Rise – LHOs in Puget Sound counties are required to identify areas where sea level rise may impact horizontal setbacks to OSS resulting in an increased risk to public health.

Phosphorus – LHOs in Puget Sound counties are required to identify areas where phosphorus has been found to be a contaminant of concern. They must identify measures to protect public health and water quality from phosphorus from new and repaired OSS in these areas. This is already an established requirement for areas where nitrogen is a contaminant of concern.

Nitrogen-based minimum lot size for small lots – Lots may be allowed to be made smaller than the minimums if certain safety measures are met and nitrogen treatment is installed on the OSS.