

WASHINGTON STATE BOARD OF HEALTH

Date: January 10, 2024

To: Washington State Board of Health Members

From: Kate Dean, Environmental Health Committee Chair

Subject: Rules Hearing—On-Site Sewage Systems, Chapter 246-272A WAC

Background and Summary:

Among other powers and duties, RCW 43.20.050 gives the State Board of Health (Board) rulemaking authority for on-site sewage systems with design flows less than three thousand five hundred gallons per day. The Board's rules for On-Site Sewage Systems, chapter 246-272A WAC, set comprehensive standards for the siting, design, installation, use, care, and management of these small on-site sewage systems. The Washington Department of Health (Department) and local health jurisdictions jointly administer the rules.

In January 2018, the Department briefed the Board on its most recent review of the rules and recommended updating the rules. The Board filed a CR-101, Preproposal Statement of Inquiry, on March 6, 2018, as WSR 18-06-082, to explore and consider revisions to the rules.

Staff developed a process to update the rules, including extensive work with a diverse advisory committee known as the On-Site Rule Revision Committee. In addition, staff facilitated public review of draft revisions and conducted other outreach to gather input on the revised rules. Staff updated the Board on the rulemaking in November 2019 and January 2023, and provided a final formal briefing in October 2023. The Board filed the CR-102, Proposed Rules, on October 25, 2023, as WSR 23-22-062.

Today's agenda item includes a brief presentation on the rulemaking process and proposed rules by Jeremy Simmons, Manager of the Department's On-Site Wastewater Management Program. The presentation also summarizes written public comments received on the proposed rules and staff responses and recommendations for your consideration. The presentation will be followed by a public hearing allowing additional public testimony on the proposed rules and finally Board discussion and possible action on the proposed rules.

Recommended Board Actions:

The Board may wish to consider and amend, if necessary, one of the following motions. The recommended motion(s) is provided for the Board's ease of reference. The Board may develop a different motion as necessary.

(continued on the next page)

The Board adopts the proposed amendments to chapter 246-272A WAC, On-Site Sewage Systems, as published in WSR 23-22-062 with the revisions agreed upon at today's meeting, if any, and directs staff to file a CR-103, Order of Adoption, and establish an effective date for the rules.

OR

The Board continues discussion of possible adoption of proposed amendments to chapter 246-272A WAC, On-Site Sewage Systems, as published in WSR 23-22-062, to its next meeting.

Staff

Andrew Kamali

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