

**Summary of Key Draft Rule Changes
December 2023
On-site Sewage Systems
Chapter 246-272A WAC**

To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email civil.rights@doh.wa.gov.

How to Use this Document

This document lists the key proposed changes to the rule. These changes are based on the recommendations made by the Onsite Rule Revision Committee and changes made by department program and policy staff. If a section is not listed, there are no proposed changes or only minor changes.

Acronyms

LHJ	Local Health Jurisdiction
LHO	Local Health Officer
LMP	Local Management Plan
OSS	On-site Sewage System
SFR	Single Family Residence
SSAS	Subsurface Soil Absorption System

Summary of Draft Changes

WAC Section Number	Section Title	Draft Changes
-0007	Applicability	<ul style="list-style-type: none"> Created new section to move Applicability section nearer the beginning of the chapter for ease of use. Clarified language describing that chapter applies to treatment, siting, design, installation, and operation and maintenance of OSS. Updated language for clarity.
-0010	Definitions	<ul style="list-style-type: none"> Changed several definitions for clarity and consistency throughout rule. Added new definitions to address issues with application of current rule language. Added new definitions to address issues with application of draft rule language.
-0013	Local Rules	<ul style="list-style-type: none"> Created new section number. Moved Local Regulation to its own section, separate from LMPs. Renamed to Local Rules. Updated language for clarity.
-0015	Local Management Plans	<ul style="list-style-type: none"> Removed Local Regulation from section and moved to section -0013. Added requirements for Puget Sound LHJs to include in their LMPs consideration of: <ul style="list-style-type: none"> Areas where phosphorus is a contaminant of concern Areas where sea level rise may impact horizontal separation to surface water

WAC Section Number	Section Title	Draft Changes
		<ul style="list-style-type: none"> • Added requirement for Puget Sound LHJs to include a summary of program expenditures by activity and fund source and a strategy to fill any funding gaps. • Added requirement that the LHO for each Puget Sound county and the department review and approve their LMP within 2 years of the rule effective date, and every 5 years thereafter, and revise as necessary. • Changed the required process for LHO to allow public input in LMP before submitting to the department for approval: <ul style="list-style-type: none"> ○ <u>From</u> holding a public hearing prior to approval of a new or revised LMP by the local board of health, ○ <u>To</u> providing an opportunity for public input following review by the LHO, prior to approval by the local board of health. • Added requirement that the LHO for each Puget Sound county report annually to the department the following data elements: number of OSS, number of unknown OSS identified, number of failures found, number of failures repaired, number of property transfer inspections completed, and status of compliance with inspections required by WAC 246-272A-0270. • Updated language for clarity.
-0020	Applicability	<ul style="list-style-type: none"> • Moved to section -0007
-0025	Connection to public sewer system	<ul style="list-style-type: none"> • Clarified where to measure 200 feet from to determine if connection to sewer is required. • Updated language for clarity.
-0100	Sewage Technologies	<ul style="list-style-type: none"> • Changed Recommended Standards & Guidance (RS&G) to Departmental Standards and Guidance (DS&G). • Removed reference to sewage technology categories. • Added provision that department may remove, restrict, or suspend a product's approval for failure to meet requirements of approval. • Updated language for clarity.
-0110	Proprietary treatment products – Certification and registration	<ul style="list-style-type: none"> • Added <i>NSF/ANSI Standard 245: Residential Wastewater Treatment Systems - Nitrogen Reduction</i> as a method to verify nitrogen reduction for proprietary nitrogen reducing products. • Added <i>NSF/ANSI Standard 385 Residential Wastewater Treatment Systems – Disinfection Mechanics</i> as a method to verify bacterial reduction for proprietary supplemental bacterial reduction products. • Added allowance for manufacturers to request to substitute components of a registered proprietary product's construction in cases of supply chain shortage or similar manufacturing disruption. • Updated references to testing protocols, including adding a protocol to use EPA Method 1664, Revision B to verify performance of Category 2 products.

WAC Section Number	Section Title	Draft Changes
		<ul style="list-style-type: none"> • Added requirement that product manufacturers follow departmental field performance standards. • Updated <i>Table I, Testing Requirements for Proprietary Treatment Products</i>, with updated references to testing protocols, added EPA Method 1664, Revision B as a testing requirement protocol for Category 2 products, and for clarity. • Updated <i>Table II, Test Results Reporting Requirements for Proprietary Treatment Products</i>, to separate disinfection levels from other treatment levels to allow for registration of supplemental (standalone) disinfection products, to allow bacterial reduction verification of Disinfection Level 1 (DL 1) via testing for fecal coliform or E. coli, and for clarity. • Updated <i>Table III, Product Performance Requirements for Proprietary Treatment Products</i>, to separate disinfection levels from other treatment levels to allow for registration of supplemental (standalone) disinfection products, to allow bacterial reduction verification via testing for fecal coliform or E. coli, to update requirements for nitrogen reduction verification, and for clarity. • Updated language for clarity.
-0120	Proprietary treatment product registration— Process and requirements.	<ul style="list-style-type: none"> • Updated description of product registration process to match the department’s current practices. • Updated references to testing protocols. • Updated reference to fee WAC (<i>WAC 246-272-2000</i>). • Added requirement that product manufacturers verify field performance according to departmental standards and guidance documents. Added requirement that manufacturers report reasons for product failure to meet field performance requirements to the department. • Changed from requiring an affidavit stating if a product has been changed at time of renewal to requiring an attestation. • Added provision for department to require compliance plans for product manufacturers whose products have led to concerns of public health risks. • Added requirement that manufacturers have product information available on their website. • Updated language for clarity.
-0125	Transition from the list of approved systems and products to the registered list –Treatment products.	<ul style="list-style-type: none"> • Removed section –obsolete
-0130	Bacterial reduction.	<ul style="list-style-type: none"> • Created disinfection treatment levels (DL1, DL2, and DL3), distinct from other treatment levels (TLA, TLB, and TLC) to allow manufacturers more flexibility in registration treatment products.

WAC Section Number	Section Title	Draft Changes
		<ul style="list-style-type: none"> ○ Allows treatment products to be registered without verification of bacterial disinfection. ○ Allows registration of supplemental disinfection products. ○ Allows manufacturers and designers to combine components (that weren't originally tested together) in a treatment train to better meet the needs of certain sites and minimize costs. ● Created new standard to allow for verification of bacterial reduction for DL1 via testing for E. coli. ● Removed obsolete language referring to testing under previous versions of standards/protocols. ● Added <i>NSF/ANSI Standard 385 Residential Wastewater Treatment Systems – Disinfection Mechanics</i> as an optional method to verify bacterial reduction for supplemental bacterial reduction products. ● Updated language for clarity.
-0135	Transition from the list of approved systems and products to the registered list –Bacterial reduction.	<ul style="list-style-type: none"> ● Removed section –obsolete
-0140	Proprietary distribution products-Registration	<ul style="list-style-type: none"> ● Updated section title (caption). ● Update language for clarity.
-0145	Proprietary distribution product registration— Process and requirements.	<ul style="list-style-type: none"> ● Updated language to match the requirements and process in the treatment products section (-0120), and to include the department's current product registration practices. ● Updated reference to fee WAC (<i>WAC 246-272-2000</i>). ● Added requirement that manufacturers have product information available on their website. ● Added provision for compliance plans for product manufacturers whose products have led to concerns of public health risks. ● Updated language for clarity.
-0150	Transition from the list of approved systems and products to the registered list -Distribution products.	<ul style="list-style-type: none"> ● Removed section –obsolete

WAC Section Number	Section Title	Draft Changes
-0170	Product development permits.	<ul style="list-style-type: none"> • Updated language for clarity.
-0175	Transition from the experimental system program to application for product registration.	<ul style="list-style-type: none"> • Removed section –obsolete
-0200	Permit requirements.	<ul style="list-style-type: none"> • Clarified when permits are and aren't required through introduction and use of new term, "Minor Repair." • Incorporated provisions from <i>WAC 332-130-145, Topographic elements on maps—Requirements</i> (DNR rule) into site plan requirements. These include: <ul style="list-style-type: none"> ○ A legend of symbols used ○ Plan scale and a graphic scale bar ○ Vertical datum used such as "assumed", "NAVD 88", "NSRS", or "unknown" ○ Name, signature, stamp and contact information of the designer ○ A statement on limitation of use indicating the site plan is not a survey • Added new requirement for site plans to include: <ul style="list-style-type: none"> ○ Horizontal separation to site features listed on Table IV ○ An elevation benchmark and relative elevations of system components • Updated language for clarity.
-0210	Location.	<ul style="list-style-type: none"> • Updated <i>Table IV, Minimum Horizontal Separations</i>, including the following changes to Items Requiring Setback: <ul style="list-style-type: none"> ○ Removed "Suction line" ○ Added "Non-public drinking water well" ○ Combined public surface water source with public drinking water spiring ○ Added "Non-public drinking water spring or surface water" ○ Added "Non-public, in ground, drinking water containment vessel" ○ Added "Easement for water supply line" ○ Added "Closed geothermal loop or pressurized non-potable water line" ○ Added "Lined stormwater detention pond" ○ Added "Unlined stormwater infiltration pond" ○ Added "Irrigation canal or irrigation pond"

WAC Section Number	Section Title	Draft Changes
		<ul style="list-style-type: none"> ○ Added “Subsurface stormwater infiltration or dispersion component” ○ Made changes for clarity ● Added statement that OSS components take precedence in cases of conflicts with stormwater components. ● Removed option for LHO to reduce horizontal separation from OSS components to in-ground swimming pools to 2 feet. ● Updated language for clarity.
-0220	Soil and site evaluation.	<ul style="list-style-type: none"> ● Removed requirement to report Suction Lines on site and soil evaluation report. ● Updated <i>Table V, Soil Type Descriptions</i>, for clarity. ● Added option for LHO to require a replacement site and soil evaluation if the site has been altered since the initial site and soil evaluation. ● Updated language for clarity.
-0230	Design requirements—General.	<ul style="list-style-type: none"> ● Changed requirement that an OSS for a single-family residence cannot be designed by a resident owner of the residence is “adjacent” to a marine shoreline, to the resident owner cannot design the OSS if the residence is within 200 feet of a marine shoreline. ● Updated reference for sewage tank compliance to chapter 246-272C WAC. ● Changed the design flow calculation section to distinguish between design flow calculation requirements (and related requirements) for a single-family residence with one additional dwelling served by one OSS, and requirements for multiple dwellings served by one OSS. ● Updated <i>Table VI, Treatment Component Performance Levels and Method of Distribution</i>, to: <ul style="list-style-type: none"> ○ Reduce required treatment levels and disinfection levels from Treatment Level B & DL2 to treatment Level C & DL3 for soil types 2 – 6 for sites with soil depths that range from 18” or greater to less than 24”. A literature review revealed that soil should be given more credit for treatment. ○ Incorporate changes made to treatment standards (separating disinfection levels from other treatment levels). ● Updated language for clarity.
-0232	Design requirements—Septic tank sizing.	<ul style="list-style-type: none"> ● Changed minimum septic tank size from 900 gallons to 1000 gallons. ● Added reference to <i>chapter 246-272C WAC On-site Sewage System Tanks</i>. ● Updated language for clarity.
-0233	Design requirements-Pump chamber sizing.	<ul style="list-style-type: none"> ● Added new section. ● Defined requirements for pump chamber sizing. ● Defined “Pump Basin.”

WAC Section Number	Section Title	Draft Changes
-0234	Design requirements— Soil dispersal components.	<ul style="list-style-type: none"> • Modified <i>Table VIII, Hydraulic Loading Rates</i>, creating a new optional Column B, to allow higher loading rates for effluent treated to a higher treatment level. This allows smaller drainfields if the effluent is treated to a higher treatment level.. • Changed requirement that reserve drainfield must always be full sized to allowing reserve drainfield to be reduced sized if primary drainfield is reduced size, at LHO discretion. • Added requirement that gravity beds have a minimum of one lateral for every 3 feet in width. • Removed obsolete references. • Updated language for clarity.
-0238	Design requirements— Facilitate operation, monitoring and maintenance.	<ul style="list-style-type: none"> • Changed requirement for gravity OSS with effluent filters in the sewage tank to have tank access ports at finished grade to a requirement for all gravity OSS to have tank access ports at finished grade. • Added requirement to install at least one observation port on each SSAS lateral. • Added requirement that disinfection units must include an easy-access, freefall sampling port. • Clarified that subsurface drip systems are excluded from the requirement to have monitoring ports at the distribution device and infiltrative surface. • Updated language for clarity.
-0250	Installation	<ul style="list-style-type: none"> • Clarified restrictions on when LHO may allow a resident owner of a SFR to install an OSS, changing language from restriction when adjacent to marine shoreline to specific distances from marine water and surface water and precluding repairs meeting Table X. • Added reference to <i>chapter 246-272C WAC On-site Sewage System Tanks</i>. • Updated language for clarity.
-0260	Inspection	<ul style="list-style-type: none"> • Added provisions from <i>Engrossed Substitute Senate Bill 5503 (2019)</i>, now codified as <i>RCW 43.20.065</i>, that: <ul style="list-style-type: none"> ○ Require Local Health Officer (LHO) or a certified professional inspector to coordinate and obtain permission from owner before conducting an inspection; and ○ Prohibit LHO’s from requiring easements as a permit condition for inspection or maintenance for OSS that are on the same property that they serve. • Defined minimum procedures for property transfer inspections and required routine OSS evaluations. • Added requirement that property transfer inspections are reported to LHO on a LHO approved form. • Clarified that LHO may require additional inspection report, or other information, for routine inspections.

WAC Section Number	Section Title	Draft Changes
		<ul style="list-style-type: none"> Updated language for clarity and consistency.
-0265	Record drawings	<ul style="list-style-type: none"> Updated language for clarity.
-0270	Operation, monitoring, and maintenance- Owner Responsibilities	<ul style="list-style-type: none"> Added requirement for owner to request assistance from LHJ if OSS fails. Added requirement for owner to get approval from Local Health Officer to begin use of an OSS. Changed requirement for owner to get routine evaluation of their OSS to a requirement for owner to get a routine inspection, as defined in -0260. Added requirement for owner to obtain a professional, 3rd party, inspection of OSS preceding property transfer. This requirement goes into effect 2 years after effective date of rule. Included provisions that LHO <u>may</u>: <ul style="list-style-type: none"> Remove the requirement for inspection preceding property transfer inspection if LHJ has evidence that the OSS is in compliance with routine inspections (required in -0270(1)(e)); Verify the results of the property transfer inspection; and Require additional inspections and requirements. Added requirement that results of property transfer inspection are provided to LHJ on a form approved by the LHO. Added provision that LHO may require a compliance schedule for repair of failures discovered during property transfer inspections. Added prohibition on owners using any remediation process unless it is approved by the LHO. Updated language for clarity and consistency.
-0278	Remediation	<ul style="list-style-type: none"> Added new section. Added option that Local Health Officer may develop a remediation policy. Added minimum requirements for remediation.
-0280	Repair of failures	<ul style="list-style-type: none"> Clarified that the LHO may permit OSS that meet Table X only in cases of repairs. Added provisions from <i>RCW 43.20.065</i> that require: <ul style="list-style-type: none"> Priority be 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;

WAC Section Number	Section Title	Draft Changes
		<ul style="list-style-type: none"> ○ 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. ● Added requirement that LHO 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. ● Added requirement that LHO report failures within 200 feet of shellfish growing areas to the department. ● Added provision that LHO may require a compliance schedule for failures discovered during property transfer inspections. ● Clarified owner’s options in cases of failure. ● Added new <i>Table IX Options and Methods to Address an OSS Failure</i> to explain owner’s option in case of OSS failure. ● Added requirement that OSS designer evaluate the causes of failure prior to designing the repair or replacement of an OSS. ● Added requirement that OSS designer minimize impact of phosphorus discharge in areas where phosphorus has been identified as a contaminant of concern in the LMP. ● Updated and renamed <i>Table X, Treatment Component Performance Levels for Repair of OSS Not Meeting Vertical and Horizontal Separations</i>, to incorporate changes made to treatment standards (separating disinfection levels from other treatment levels) and to correct inconsistencies with WAC 246-272A-0230. ● Updated language and structure for clarity and consistency.
-0282	Minor repair of malfunctions	<ul style="list-style-type: none"> ● Added new section. ● Added requirement that LHOs require the minor repair of a malfunction to a functioning state. ● Added provision that LHO may require a permit for a minor repair of a malfunction. ● Added option for LHO to require owner to submit information regarding minor repairs.
-0290	Expansions	<ul style="list-style-type: none"> ● Updated language for consistency and clarity.
-0300	Abandonment	<ul style="list-style-type: none"> ● Clarified that tanks and other sewage containers can be removed or abandoned in place. ● Added requirement that empty tanks be filled with soil or gravel if abandoned in place. ● Added requirement to grade site to surroundings. ● Clarified process.

WAC Section Number	Section Title	Draft Changes
		<ul style="list-style-type: none"> Updated language for clarity.
-0320	Developments, subdivisions, and minimum land area requirements	<ul style="list-style-type: none"> Changed title of Table XI. Increased minimum land area requirement in <i>Table XI, Minimum Land Area Requirement For Each Single-Family Residence or Unit Volume of Sewage</i>, for lots served by a public water source, by 500 – 1000 square feet, depending on soil type. This changes the minimum lot size on Table XI from 12,500 to 13,000 sq ft for all lots served by public water supplies. Added “Minimum Usable Land Area” requirement to Table XI. This is a new requirement. (See definitions for definition of minimum usable land area.) Removed references to Method I and Method II lot sizing methods. Added new methodology and new <i>Table XII, Maximum Allowable Total Nitrogen (TN) Load Per Day by Type of Water Supply, Soil Type, and Land Area</i> for developments that do not meet Table XI’s requirement. Changed minimum lot size from 12,500 to 13,000 sq ft for nonpublic water supplies for all new lots. Reduced the maximum unit volume of sewage per day per acre from 3.5 to 3.35 for lots served by public water supplies for both Table XI and Table XII due to the change of minimum lot size from 12,500 to 13,000 sq ft for all lots served by public water supplies on Table XI Added option for drinking water well water supply protection zones on new subdivisions to be located on multiple lots (to cross lot lines) if a copy of a recorded restrictive covenant is provided to each affected property owner. Added clarifying language that LHOs may allow permitting of 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 under WAC 246-272A-0420. Updated language and structure for clarity and consistency.
-0340	Certification of installers, pumpers, and maintenance service providers.	<ul style="list-style-type: none"> Added requirement that Local Health Officer (LHO) establish approval procedures for maintenance service providers. Added allowance that LHO may allow reciprocity from other local health jurisdictions or third-party certification programs. Clarified that LHO has authority to establish certification process for owners to inspect their OSS. Updated language for clarity and consistency.

WAC Section Number	Section Title	Draft Changes
-0400	Technical advisory group.	<ul style="list-style-type: none"> • Updated section title (caption). • Added requirement that Technical Advisory Group (TAG) members are selected for three-year terms. • Added new professions to the list of potential TAG members. • Updated language for clarity and consistency with remainder of rule.
-0410	Policy advisory group.	<ul style="list-style-type: none"> • Updated section title (caption). • Added requirement that Policy Advisory Group (PAG) members are selected for three-year terms. • Updated language for clarity and consistency.
-0420	Waiver of state regulations.	<ul style="list-style-type: none"> • Added requirement that department publish an annual report summarizing waivers issued over the previous year. • Updated language for clarity and consistency with remainder of rule.