

WASHINGTON STATE BOARD OF HEALTH

Date: August 8, 2024

To: Washington State Board of Health Members

From: Kate Dean, Board Member

Subject: Rulemaking Petition – [WAC 246-272A-0240](#), Holding Tank Sewage Systems – On-Site Sewage

Background and Summary:

On June 16, 2024, the Washington State Board of Health (Board) received a petition for rulemaking related to [WAC 246-272A-0240](#), Holding Tank Sewage Systems. A holding tank sewage system is an on-site sewage system which incorporates a sewage tank without a discharge outlet, the services of a sewage pumper/hauler, and the offsite treatment and disposal for the sewage generated.

The petition requests that the rule be changed to allow for external storage of septic waste in approved containers with a valid pumping contract. The petition states that this change is needed because too many people dump septic waste on the ground, and that the sanicans (portable toilets), which are allowed, are unsafe and inconvenient.

The rule prohibits a person from installing or using holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except under limited circumstances. The local health officer may approve the installation of holding tank sewage systems only for the following:

- Permanent uses limited to controlled, part-time commercial usage situations.
- Interim uses limited to handling of emergency situations (e.g., floods).
- For repairs as permitted under [WAC 246-272A-0280](#).

The local health officer may grant a waiver from the above regulations under WAC 246-272A-0240 consistent with Department of Health (Department) guidance. The Department's guidance allows the regulation to be waived to allow a holding tank used for other than part-time, non-residential use, if it meets certain minimum criteria.

The minimum criteria established in the Department's guidance is important to maintain public health and safety when holding tank systems are used. A local health officer is not required to grant these waivers, and the use of waivers varies by county. The variability in county use of waivers may be due to local capacity to pump the tanks, capacity to enforce the waivers, and other reasons.

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Possible Board Motions:

The Board may wish to consider and amend, if necessary, one of the following motions:

The Board declines the petition for rulemaking to amend WAC 246-272A-0240- for the reasons articulated by Board Members. The Board directs staff to notify the petitioner of the Board's decision.

OR

The Board accepts the petition for rulemaking to explore the proposed amendment to WAC 246-272A-0240 to consider additional language related to holding tank sewage systems. The Board directs staff to notify the requestor of its decision and to file a CR-101, Preproposal of Inquiry, to further evaluate the request and possible rule change.

Staff

Shay Bauman

Policy Advisor

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