



REVISION OF CHAPTER 246-272A WAC
WSEHA AEC
May 2024

Presenter

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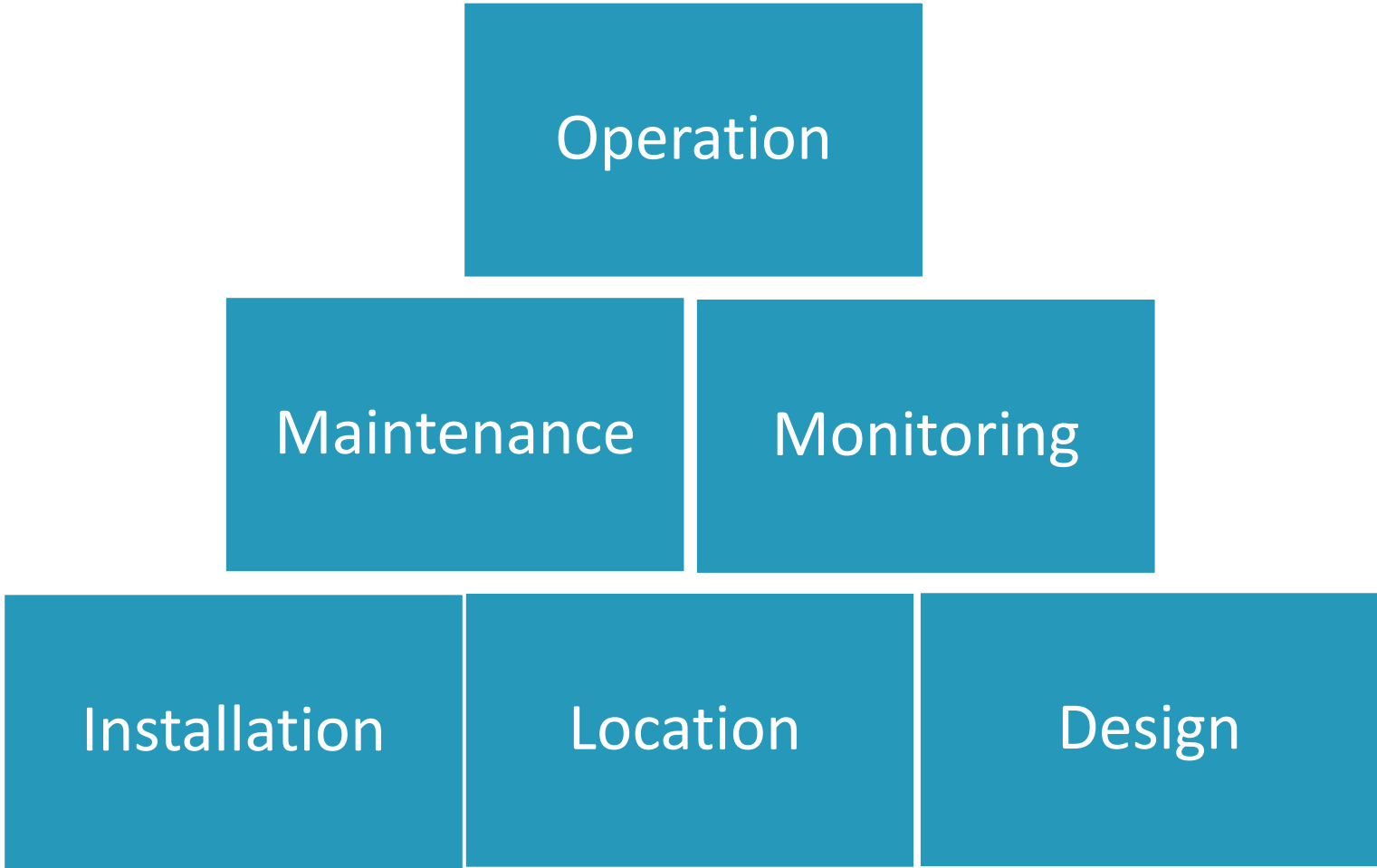
Presentation Overview

- Rule Scope
- Rulemaking History
- Rule Review
- Rule Revision
- Key Changes
- Cost Benefit Analysis
- Implementation Schedule

Acronyms

- DOH = Department of Health
- LHJ = Local Health Jurisdiction
- LHO = Local Health Officer
- OSS = On-site Sewage System
- SBOH = State Board of Health

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



Rulemaking History

- 1960: First On-site Sewage Systems (OSS) Rule.
- 1974: Permits required for installation and repair of OSS.
- 1989: Higher treatment required for repairs of marine shoreline OSS.
- 1994: Higher treatment required for new installations on sensitive sites and nonconforming repairs.
- 2005: Required treatment to be determined based on site conditions. Required proprietary products to be registered with the department.

Chapter 246-272A WAC Review

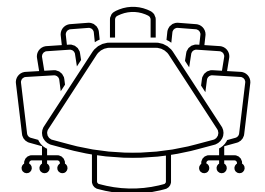
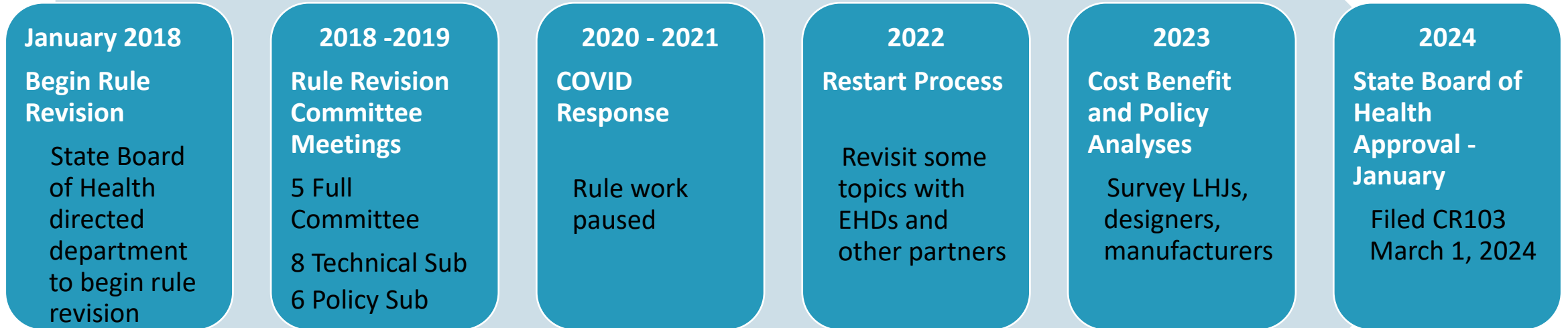
WAC 246-272A-0425 requires DOH to:

- 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

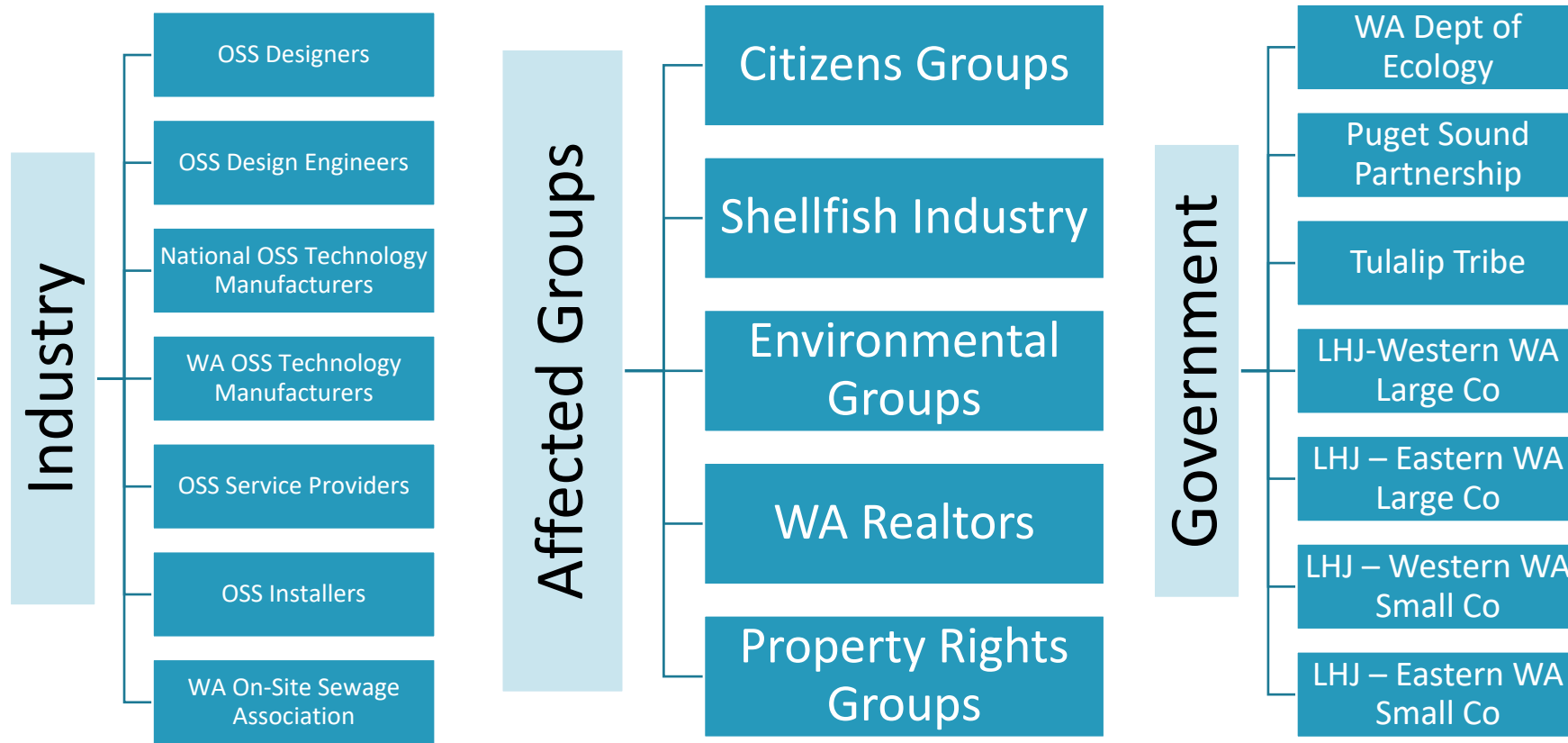
The rule was reviewed in 2009 and 2013, with the finding that no revisions were needed

In 2017 the review concluded with the finding that revisions were needed

Rule Revision Process

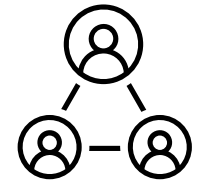


Who was on the Revision Committee?



- ✓ DOH facilitated and participated in conversations
- ✓ SBOH Staff attended and provided input on many meetings

All Rectangles = Voting Members



Legislation

In 2018, the legislature passed Substitute Senate Bill (SSB) 5503. It addressed:

- Repairs/Failure
- Inspection Access and Notification
- Easements

SSB 5503 was codified as RCW 43.20.065

It adds two important 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



Key Changes in Draft Rule

- Product Supply Chain Issues
- Table III
- Field Verification of Proprietary Products
- Table IV Changes
- Design Section Changes
- Property Transfer Inspections
- Remediation
- Repairs
- Minimum Lot Sizes
- Certification of Maintenance Providers



Product Supply Chain Issues (-0110)

- Allow proprietary products to be retrofitted with components that the product was not tested and registered with, if necessary
- Engineer must attest that will not impact performance or maintenance

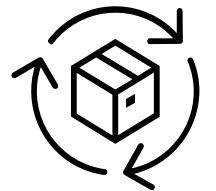
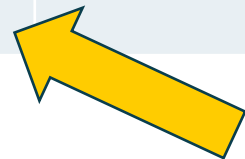


Table III, Product Performance Requirements (excerpt)

BL = Bacterial Level

Treatment System Performance Testing Levels						
Treatment Level	Parameters					
	CBOD ₅ mg/L	TSS mg/L	O&G mg/L	FC cfu/100 mL	TN mg/L	E. coli cfu/100 mL
A	10	10				
B	15	15				
C	25	30				
BL1				200		126
BL2				1,000		
BL3				50,000		
E	228	80	20			
N					30 (or 50% reduction based on mass loading as required in WAC 246-272A-0320)	



Field Verification of Proprietary Treatment Products (-0120)

Manufacturers must:

- Collect and analyze field samples from each proprietary product which disinfects bacteria to BL1 or BL2 or treats nitrogen
- Report the results to the department

Requirements:

- Mean of sample results must meet the treatment level that the product is registered at
- Registration for products that do not meet the treatment level they are registered at may be adjusted or rescinded.

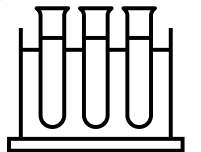
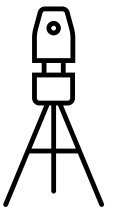


Table IV, Horizontal Setback Table

Updated Table IV, Minimum Horizontal Separations:

- Added Stormwater Detention Ponds and Stormwater Infiltration Ponds
- Added Stormwater Infiltration and Dispersal Components
- Added Geothermal Loop
- Added Drinking Water Containment Vessels
- Added Water Supply Line Easement
- Added statement that OSS components take precedence in cases of conflicts with stormwater components.
- Removed Suction Line
- Removed option for LHO to reduce horizontal separation from OSS components to in-ground swimming pools to 2 feet.



Design Requirements (-0230)

Changed design flow requirement:

- Allow additional dwelling units (ADUs) to be counted as the number of bedrooms they have (not a minimum of two)
- Allow three or more dwellings to be served by an OSS if:
 - The first dwelling is counted as two bedrooms
 - There is an easement, covenant, or other legal access for construction, repair, and O&M



Property Transfer Inspections (PTIs) (-0270)

All OSS must be inspected preceding a property transfer, beginning February 1, 2027

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

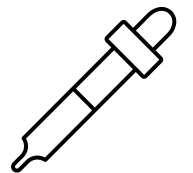


Remediation (-0278)

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.



Repairs (-0280)

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.



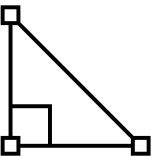
Repairs Continued (-0280)

- 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.



Minimum Lot Size and Land Area (-0320)

- 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



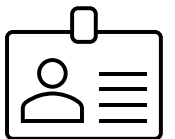
Certification of Maintenance Providers (-0340)

LHO must:

- Establish approval procedures for maintenance service providers.

LHO may:

- Allow reciprocity from other local health jurisdictions or third-party certification programs.



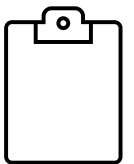
Cost Survey and Significant Analysis

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

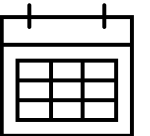
DOH analyzed this data and developed:

- Significant Analysis
- Small Business Economic Impact Statement



Effective Dates

- Section -0110
 - Effective April 1st, 2024
- Maintenance Service Provider approval requirement
 - Effective February 1st, 2025
- Property Transfer Inspection requirement
 - Effective February 1st, 2027
- The remainder of the rule
 - Effective March 1st 2025



Questions?



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