

Summary of Written Comments
Rule Proposal to Chapter 246-272C WAC
State Board of Health, October 14, 2009

Section	Comment/Suggestion	Proposed Response
General	OSS use of patents and trademarks to control who inspects septic systems is incorrect. Patents are granted to control who manufactures a patented product for a given number of years and trademarks protection is granted to stop someone from selling a product using the trademark owner's trademark. Neither of the above grants the holder the right to control who inspects their product!	<p>The proposed rule applies to sewage tanks used with proprietary products registered in Washington. (WAC 246-272A-0410 and 0415).</p> <p>With this change in practice, DOH included in the proposed rule methods for proprietary product manufacturers to verify a particular sewage tank works with their product.</p> <p>The proposed rule does not address septic system inspection requirements. These requirements are contained in chapter 246-272A WAC and chapter 246-272B WAC.</p> <p>Recommend - No change</p>
Section 0020(9) Definition - Greywater	Delete "kitchen sinks" (Because someone may later install a garbage disposal which would not be compatible with a grey water system).	<p>The proposed rule uses the statutory definition provided in chapter 90.46 RCW. (state reclaimed water law) This definition includes kitchen sinks.</p> <p>In addition, the department is in the process of developing greywater regulations and will forward this comment to appropriate staff for consideration.</p> <p>Recommend - No change</p>

<p>Section 0020(18) Pump Tank</p>	<p>Add a clarification to the definition of "pump tank" that a sewage lift station is not a "pump tank." As written, in conjunction with the definition of an on-site sewage system including the conveyance system, the wet well portion of lift station could be considered as being a pump tank.</p>	<p>Pump tank is included as a type of sewage tank in the sewage tank definition. As such, the connection sufficiently distinguishes a pump tank from the wet well portion of a sewage lift station.</p> <p>Recommend - No change</p>
<p>Section 0020(22) Definition - Sewage</p>	<p>Bath and laundry waste can be better handled in a <u>Grey Water</u> system.(having a separate grey water system will greatly extend the life of a septic system)</p>	<p>The proposed rule uses the definition of sewage in WAC 246-272A-0010 (state on-site sewage regulation)</p> <p>This comment will be forwarded to appropriate department staff for consideration in the greywater regulation development process.</p> <p>Recommend - No change</p>
<p>Section 0210(5) Seals and Gaskets</p>	<p>We are requesting a revision in section 246-272C-0210 General Design and Construction Requirements, Item (5) Seals and Gaskets. The Draft Final 246-272C dated May 6, 2009 was written as we requested in our e-mail dated April 16, 2009 and in our letter dated May 30, 2007. This section should be revised as follows: Seals and gaskets for inlet, outlet and inter-compartmental fittings must be resilient, watertight, corrosion-resistant, and flexible. Seals meeting ASTM C-1644 or equivalent, such as ASTM D2000 Type BA, must be used to join the tank wall and the PVC piping to prevent leakage at the wall connection. We appreciate the opportunity to comment on the proposed changes. If there is anything that we can do to assist you with this process, please do not hesitate to contact us.</p>	<p>Engineering staff reviewed ASTM D2000 Type BA and determined it is not an equivalent standard of ASTM C-1644.</p> <p>ASTM D2000 Type BA was removed from the proposed rule language for this reason.</p> <p>Recommend - No change</p>
<p>Significant Analysis General</p>	<p>We presently have an orenco advantick system that cost us \$25,000 to install for our 4 bedroom home. We were told by our</p>	<p>The proposed rule and corresponding significant analysis do not address on-site sewage</p>

	<p>contractor that a septic system would cost about \$5000. Needless to say, we were very upset. Then we found out that our system had to be checked once a year and our system recorded with the County. This is over kill. I am so tired of State and Counties trying to limit all liability on their parts by charging the homeowner needless expense. We are presently trying to get a septic system for our second lot at 31 Hampshire Dr. and will see if we do. How can my neighbors have regular systems, sand filters, and yet I because I built my home later have a \$25,000 system that costs me \$250 per year to be "checked". You are invasive and unfair. My husband and I live in our home alone and travel 4-5 months of the year because we are retired. Why should the requirements on me be the same as someone who has 4 children and takes a 2 week vacation. I am tired of State and local government trying to continually run our lives. Please keep me abreast of these hearings.</p>	<p>system designs, installation, or operation and maintenance requirements.</p> <p>Recommend - No change</p>

<p>Section 0110(6)&(7) General Requirements</p>	<p>Use “Approved by “instead of “registered with”-would be more appropriate in both (6) & (7) –and throughout WAC-246-272C. (Previous use of “Approved On- site Sewage Tanks” was only a list - <u>there never was any criteria for approval.</u></p>	<p>Since the proposed rule creates the process for a registry of prefabricated tanks “registered” is the best single term.</p> <p>The proposed rule also establishes a transition between the Approved On-site Sewage Tanks list and the new Registered Sewage Tank list. The transition period begins January 2010 and ends December 31, 2011. Starting January 1, 2012 prefabricated tanks design and construction plans must be both approved and on the registered list.</p> <p>Recommend - No change</p>
<p>Section 0150</p>	<p>I understand the required time lag for change over of manufacture of prefabricated tanks; however, excavation, compaction, bedding and backfill requirements for existing listed tanks and cast-in- place tanks are requirements that could become effective much sooner and would help prevent failure of existing listed tanks <u>built to non-standards</u> and cast-in-place tanks that will be installed before the <u>designed tanks</u> are available.</p>	<p>The proposed rule does not prohibit manufacturers from updating their excavation, compaction, bedding, and backfill instructions to keep current.</p> <p>Recommend - No change</p>
<p>Section 0210(10) Coatings</p>	<p>Steel reinforcing used in concrete tanks should be epoxy coated to prevent corrosion—and all reinforcing steel should be covered by at least 3 inches of concrete.</p>	<p>The proposed rule does not stipulate the level of covering required. Instead it requires tanks to be “designed and constructed of solid, durable, and watertight materials that do not corrode or decay.” This performance standard establishes an adequate corrosion prevention measure without the specific detail</p>

		suggested. Recommend - No change
Section 0520 Enforcement	This Section appears to suggest that DOH has direct enforcement authority over the license of a professional engineer (chapter 18.43 RCW) or the license of a Onsite Designer (chapter 18.210 RCW). The authority for disciplinary action against either of these categories of licensees is the exclusive authority of the State Board of Registration for Professional Engineers and Land Surveyors. By administrative rule the DOH can not take disciplinary action to limit, restrict or remove a license issued by the Board. Assuming that the enforcement scope of this subsection was not intended to apply discipline to professional engineers or licensed designers, I would suggest that one statement be added to the enforcement section. "Nothing stated in this subsection should be considered to replace, circumvent or duplicate the disciplinary authority of the Board of Registration for Professional Engineers and Land Surveyors as provided in chapter 18.43 RCW or chapter 18.210 RCW."	Section 0520(2) focuses on actions the department or office of the attorney general may initiate when a person violates the provisions of the proposed rule. It does not address specific licensing disciplinary actions for any category of "person". Recommend - No change