

Office of Shellfish and Water Protection  
Wastewater Management Section  
**Evaluating the Effectiveness of  
Chapter 246-272A WAC**

November 2009



### **Introduction**

The mission of the Department of Health's (DOH) Wastewater Management Section is to protect public health by promoting the safe treatment and disposal of domestic and other non-industrial wastewater in areas of Washington not served by municipal sewage treatment plants.

Chapter 246-272A WAC regulates the location, design, installation, operation, maintenance, and monitoring of on-site sewage systems. This rule protects public health by minimizing both the potential for exposure to sewage from on-site sewage systems, and the adverse effects of discharges from on-site sewage systems on ground and surface waters.

Local health jurisdictions (LHJs) have the option of enforcing Chapter 246-272A WAC by either referencing it or by adopting it into their local code. We review local rules to make sure they comply with the state rule. If there are no local rules for on-site sewage systems, Chapter 246-272A WAC automatically applies. Today, 22 local boards of health have adopted and approved their own local code, 2 have adopted the State Board of Health (SBOH) rule by reference, and 11 defer to Chapter 246-272A WAC.

### **Background**

WAC 246-272A-0425 requires us to evaluate the effectiveness of the rule every four years and determine if revisions are needed. This is the first review of the rule that we adopted in 2005.

### **2009 Evaluation**

The evaluation process included a review by DOH staff and an online survey that we sent to key stakeholders to solicit feedback on the rule's effectiveness. The survey went to all LHJs, the DOH Wastewater Technical Advisory Committee, and the Department of Licensing On-site Wastewater Treatment System Advisory Committee. It included questions to help determine if the rule meets the purpose and objectives of public health protection. Key issues are summarized below.

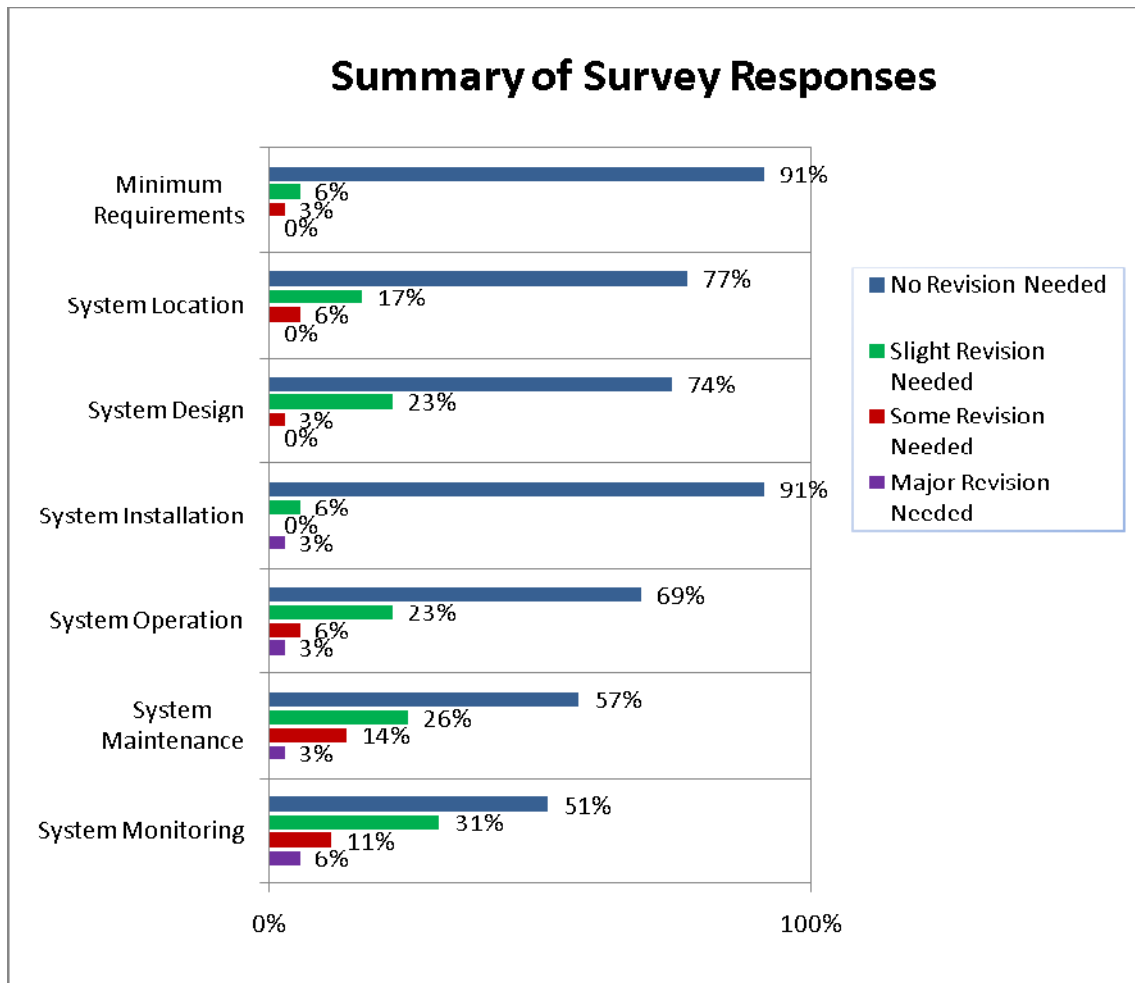
#### Issues Identified in DOH's Review

- There is no review process for some emerging technologies, including drainfield remediation and greywater treatment technologies. The SBOH has directed DOH to develop rules for all remediation processes. DOH will continue work on this issue when other rules are completed and as resources allow.
- There are minor errors and unclear language in some parts of the rule. However, the current rules are well thought out and meet their intent. DOH staff provide ongoing assistance to LHJs interpreting and implementing the rule.
- The amount of funding and related funding mechanisms to implement the LHJ management plans are inadequate and present an ongoing challenge.
- Improved and consistent messages are needed to explain the importance of good operation and maintenance (O&M) of on-site sewage systems and to address the public's concerns.

#### Issues Identified in the Online Survey

- The majority of survey respondents indicated that the minimum requirements meet the intent of the rule.

- Most respondents believe the rule effectively regulates the location, design, and installation of on-site sewage systems.
- Multiple respondents shared a concern about unclear language.
- Many respondents indicated that the O&M requirements are vague, are challenging to implement, and are not applied consistently.



Link to the Survey Summary and Comments Report: [www.doh.wa.gov/ehp/ts/WW/ww-SurvSum.pdf](http://www.doh.wa.gov/ehp/ts/WW/ww-SurvSum.pdf)

### Conclusions

We do not recommend revising the rule at this time. Chapter 246-272A WAC is effective in protecting public health and the waters of the state. We will continue to provide technical assistance and answer questions that come up in the process of implementing the rule.

### Next Steps

We will:

- Continue to provide technical assistance to the LHJs;
- Assist at the national level in preparing standards for evaluating new technologies;
- As resources allow, work on the remediation technology rule; and
- Monitor Chapter 246-272A WAC and re-evaluate the rule again in four years.

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