

2009 Summary and Comments Report

Evaluating the Effectiveness of Chapter 246-272A

November 2009



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Evaluating the Effectiveness of Chapter 246-272A

2009 Survey Summary and Comments Report

Introduction

The State Board of Health On-site Sewage System Rules and Regulations, Chapter 246-272A WAC, requires the Department of Health (DOH) to review the chapter to evaluate its effectiveness and determine areas where revisions may be necessary. To help us evaluate the rule, we created an online survey that asked for feedback about the rule's effectiveness, and distributed the survey to local health jurisdictions and other stakeholders.

Our survey methods were straightforward. We developed and published it using Opinio, an online survey tool, and distributed it by email. We asked all local health jurisdictions (LHJs), committee members from the Washington State Department of Licensing (DOL) On-site Wastewater Treatment System Advisory Committee, and the DOH On-site Wastewater Technical Advisory committee to complete the survey. If a LHJ did not respond to the email request, we contacted them by phone to conduct the survey.

We received responses from 100% of LHJs that permit on-site sewage systems and two Technical Advisory Committee members. No DOL committee members responded to the survey request. In all, we received 36 responses to the survey. Nearly 90% of the responders felt WAC 246-272A meets the rule's purpose to protect public health.

The comments are similar in nature to the many comments DOH and the State Board of Health received during rule development. The opinions from LHJ staff vary greatly. Because there is a wide range of environmental conditions and population densities, each LHJ has a unique view of how the rule works in their jurisdiction. Chapter 246-272A was drafted with the intent that some LHJs would need to enhance them using local codes while others would find them sufficient to their needs.

We summarized the survey results in the required report to the State Board of Health, which can be found online at www.doh.wa.gov/ehp/ts/WW/ww-SurvSum.pdf. However, stakeholders have requested to see detailed information about responses to the survey questions. We have created this report for that purpose.

Briefing Paper

The following is from a briefing paper that we published in 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

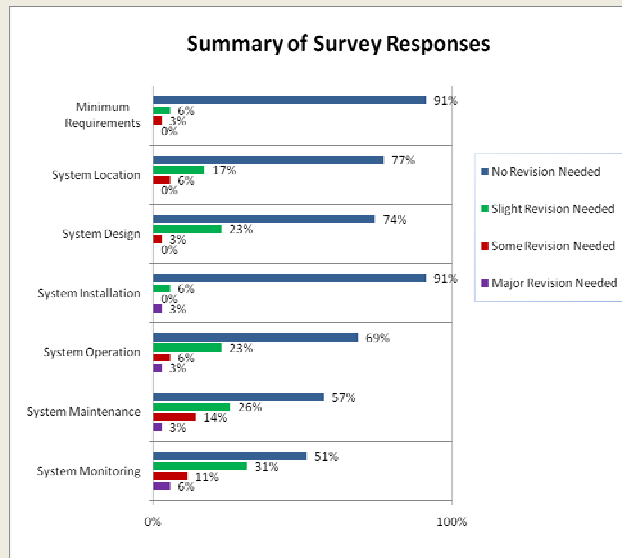
The evaluation process included a review by DOH staff and an online survey that we sent to key stakeholders to solicit feedback on the rule's effectiveness. The survey went to all LHJs, the DOH Wastewater Technical Advisory Committee, and the Department of Licensing On-site Wastewater Treatment System 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 to 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 concern.

Issues Identified in the Online Survey:

- The majority of survey respondents responded that the minimum requirements meet the intention 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

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:

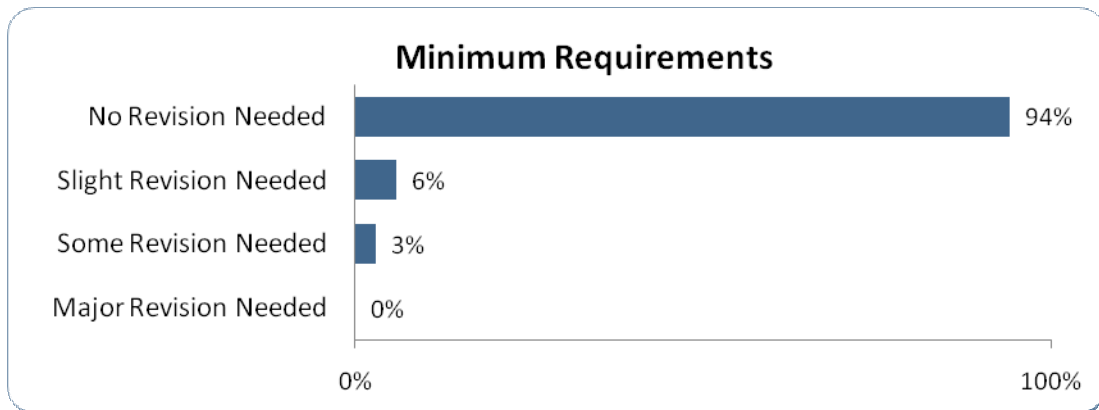
- Continue to provide technical assistance to the LHJs;
- Assist at the national level in preparing standards for evaluating new technologies;
- As resources allow, work on the remediation technology rule; and
- Monitor Chapter 246-272A WAC and re-evaluate the rule again in four years.

End of briefing paper

Survey Responses

For each question, responders were asked to rank the amount of revision they felt was needed in the rule in order to adequately address the given task, from “no revision needed” to “major revision needed”. Below each question is a graph that summarizes the ranking responses for that question. Individual comments are listed below each graph.

Question: Do the minimum requirements meet the intention of the rule?



“Many times over!”

“The intent is met but is the wording is not clear. An example is treatment requirements. It seems like an alphabet soup. It would be nice to just talk about how the following apply to the different situations. Trying to explain the new regulations to a person that doesn't know anything about a septic system is really tough. They need to be written in a language that everyone can understand.”

“They do have a lot of basis on science. They have been changed to mitigate ... the soils chart [is] one of the best.”

“They are as good as they can be.”

“The county public health doesn't comply with the WAC so making changes wouldn't make any difference.”

“-0200 1) a iii. The permit requirements should discuss wells, etc. They are not focusing on adjacent properties.

When a person proposes an OSS they need to talk about all surrounding areas. At this time, we need to spell out all the details.

The challenge is that we focus on the home that is getting the OSS. We also need to include other sources, whether it's a well. We focus on individual sites but need to look at adjacent properties as well.

The Type 1 soil definition needs to be changed. It is NOT okay to put a system in 100% rock fragments.

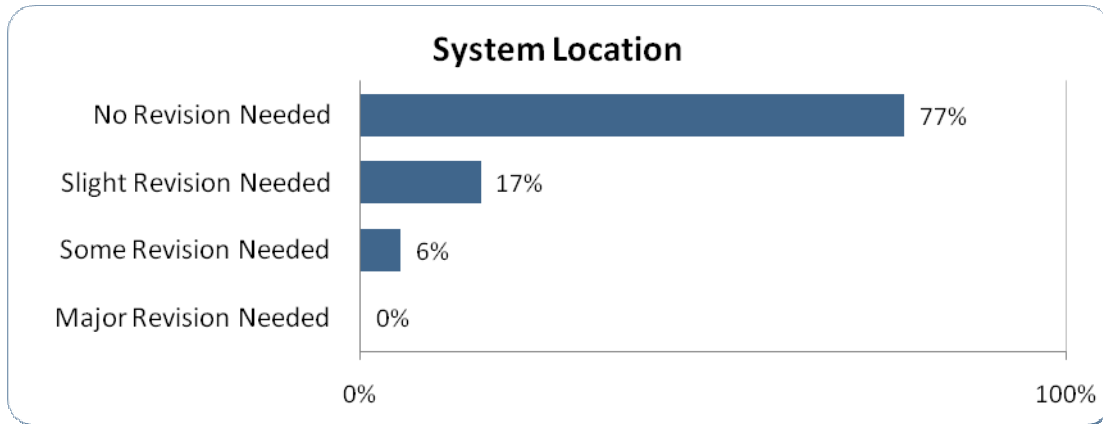
When it talks about drainrock we have questions that pop up regarding whether it has to be round rock or can it be pit rock/sharp angular rock. What standard are other counties following? It needs to be clearly stated as to what the shape should be and what washed means. There is too much of an open end left to the counties. We need to have a standard for gravel companies to use. We need to be able to justify why and why not.”

“Most cases are abundantly protective.”

“No clear application to flood zones (not setbacks from surface waters).”

“The current rules, although more complicated and involved, seem to be just as effective as the two previous sets of regulations.”

Question: Do the rules effectively regulate the system location?



“Yes, when the design meets the requirements of the WAC. The local health district doesn't require designs of gravity systems to meet the WAC.”

“1A soils, we can put in more conventional designs. [Name] questions why the requirements are less stringent now. When it comes to protecting the ground water, we had improved upon this and it seems that we went back[wards].”

“They do not take into account geographic/climatic difference.”

“There are some issues around land area that should be clarified around existing lots, especially when lots are near storm water and other types of facilities.”

“The westside is completely different that the eastside. The rules are too restrictive that [are] appropriate for our geographic location.”

“When I read the WAC, it doesn't seem to identify or clarify enough. There might be other parts that are hidden or defined in other areas. The location section should be clear and in one location.”

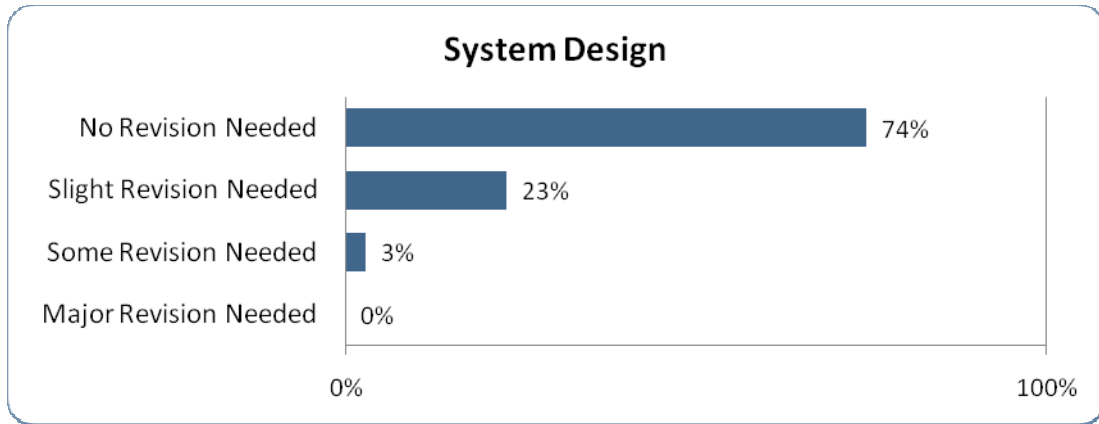
“Clarification on ‘advanced level of treatment’ [is needed].”

“No clear application to flood zones (not setbacks from surface waters).”

“Current horizontal setback requirements are not consistent with Ecology setbacks for separation between OSS and storm water systems. Ecology and DOH need to coordinate and establish consistent setbacks so that locals are not left to decipher what each of these agencies mean.”

“The soil textural changes and classifications didn't help. The previous classifications everyone was [used] to. The 1B and 1A distinctions [were] good and people are [used] to using them. Also the use of vertical separation instead of total soil depth has been confusing for many professionals.”

Question: Do the rules effectively regulate the system design?



“Yes, when the design meets the requirements of the WAC. The local health district doesn't require designs of gravity systems to meet the WAC.”

“Bed width remains an issue. Though brought up in the committee, and discounted, local health departments still have problems with bed widths over 10 feet even though the coverage is only to accommodate the 34" wide nature of ‘chambers’.

The change [in] soil typing as well as application may have been too conservative. It seems, at a local level, to be placing too many permeable soils suitable for a 0.80 application rate in the 0.60 category.”

“One of the problems we have is the licensing requirements for designers are strenuous. The requirements are above and beyond what is required in this area. Because the [requirements] are so tough, the pool of designers is limited.”

“The Table Nine repair language needs to be reviewed. We think that using UV should be considered for repairs. There are some new UV systems that have continuance monitoring to notify when the UV bulb has failed. This would help for putting in a small system on a small lot.

The higher level of protection could be met by telemetry monitoring.

We recommend including square footage as part of the total flow calculation. We have people building 4,000 square foot homes but only claiming two bedrooms.”

“But they go too far in selected areas. The rules do not need to be as restrictive as they are. The requirements are overly protective. The regs are effective but are not reflective of eastern WA.

The benefits of timers are not enough to warrant using them in Okanogan County. The homeowners pay for them to be installed but as soon as the alarm goes off, the systems are rewired to extend the length of the on time. We know the [time dosed systems] are not working as designed yet we are not finding environmental problems.”

“We should be developing more non-proprietary options.”

“The basic design criteria are valid. Using RS&Gs is good to provide tools to keep the rules usable.”

“Water tight testing of tanks needs to be included in the record drawing requirements. We require them to certify that they have tested the tank for water tightness.”

“Drinking water needs to move up the checklist. We need to make sure there are no mistakes made.

Sometimes we get into fractured basalt. 2" to 8" - if it's only 20% what's the loading rate. What if the soil [is] extremely rocky. How do I deal with fractured rock? This is a non absorbing system that could be partially. It's not gravelly, it's rocky...is that type 1? There should have to be a certain percentage of soil to call it type 1.

The state should require outlet filters.”

“Some counties are not standardized as far as the reduction with graveless systems. There should be more consistency between counties. The locals are probably the ones to adopt this.”

“That is the hardest section to understand. The writing needs to be clarified. The rules may be fine, but there are so many disclaimers, and varied interpretations.

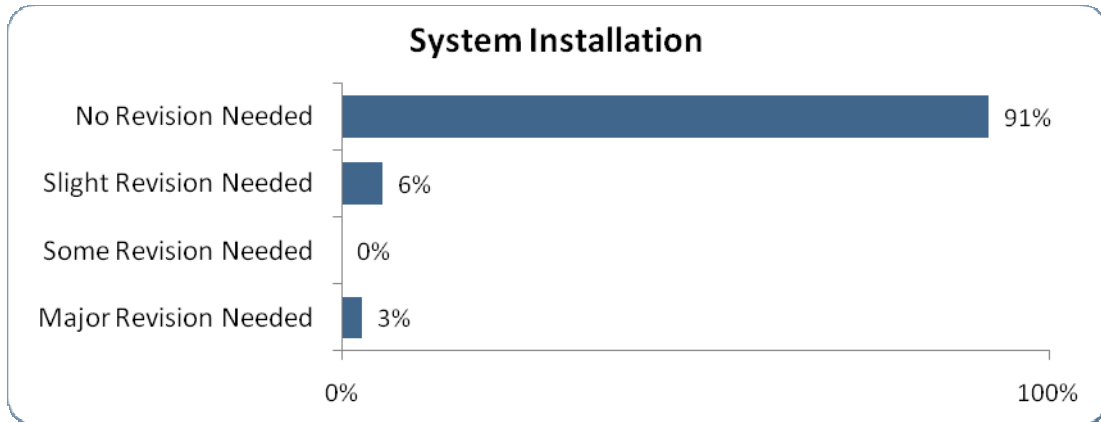
What the licensing exam covers and what are documented in the rules are very different.”

“Clarification on what is needed to meet treatment standards - required amount of c-33 seems to vary inconsistently.”

“RS&Gs are used in our jurisdiction as guidance for situations not covered in the WAC.”

“Aerobic treatment for all food establishments is not always necessary. There are some alternatives which DOH staff will admit to but are not explained in design requirements.”

Question: Do the rules effectively regulate the system installation?



“Yes, when the design meets the requirements of the WAC. The local health district doesn't require designs of gravity systems to meet the WAC.”

“The rules...are prescriptive but the translation with the installer can be difficult. Usually that is where problems happen.”

“Because we have a good installers program. On the engineered systems, sometimes the engineers do not do as good of a job with the inspections and providing as-builts. Goes back to the DOL process.”

“WAC allows the homeowner to install if the health officer allows it. What they are finding are systems that have been installed by a professional but before the systems could be signed off, the business goes belly up or they have money fights.

Rule language could say something in the WAC that says the installer of the system must be trained by proprietary company.

Whoever performs the installation needs to be liable. We are having problems when we know that a professional installed the system but a homeowner wants to sign off on it.

A rule in the WAC might help counties out in this situation.”

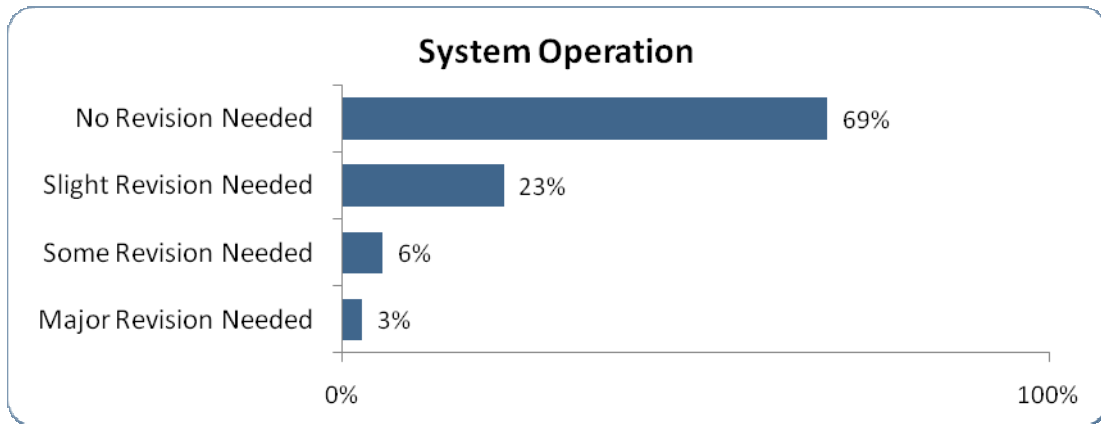
“We need to have more authority and clarity to require water tight testing at the time of installation.”

“We started a sub installer program. The new program has been very successful for us so far.”

“We allow homeowners to design their own systems, probably not a good idea.”

“Some clarification of roles and responsibilities [is needed].”

Question: Do the rules effectively regulate the system operation?



“The inspection intervals are too short in the requirements of the WAC. The local health district doesn't require inspection of systems to meet the WAC now.”

“We could use more operation help, though this is probably more appropriate in the R,S, and Gs.”

“It early to tell how effective they are.”

“What this comes down to is how the property owner operates the system.”

“The rules do give us the authority as needed.”

“We expect homeowners to maintain their systems. The homeowners do not always have the ability or desire to maintain their systems.”

“This is not very well talked about in the WAC. We spell out more specifics in our rules. We think the WAC should break out the operations portion to give more guidance to the homeowner for how to take care of their system.”

“The issue in reality, how would we go about enforcing anything stricter? We believe the rules should remain the way they are currently drafted. Do not make them stricter.”

“The problem with the question: There really aren't performance standards. I don't know who would do the enforcing if there were more.

If you really wanted to meet the intent of the rule the state would need a huge program which would not be supported by the public. In the end, I think the middle of the road is the best.”

“I really am not sure. This is so much linked to funding and available resources. The bottom line is that homeowners are responsible for their systems. I am not sure how else to ensure this is done.”

“There should be a standard process for an on-going permit that says you will maintain your system. The homeowner should have a permit that explains to them the expectations. If the system fails, the permit can be revoked.

We permit to install and then go away. If we have a document that rode with the title that explained the requirements, etc.”

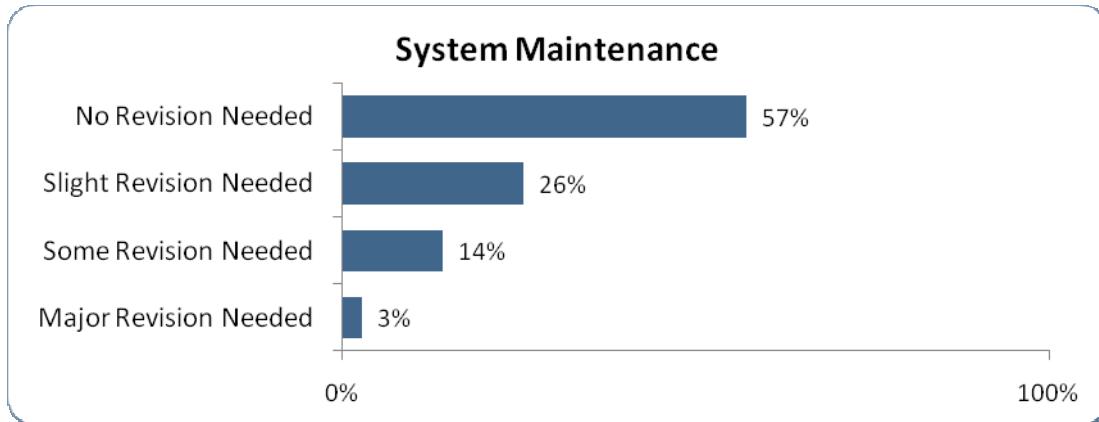
“We use a cautionary principle in that the systems are designed correctly and public health is protected.”

“May need a boost on the O&M requirements. It's a little lacking as far as enforcement.”

“Need to better evaluate if O&M is required for more advanced systems.”

“There is nothing specific about minimum requirements for system maintenance. The emphasis is for conditions in Western Washington.”

Question: Do the rules effectively regulate the system maintenance?



“The inspection intervals are too short in the requirements of the WAC. The local health district doesn't require inspection of systems to meet the WAC now.”

“Counties outside of the Puget Sound area need to have more stringent requirements for a true Monitoring and Maintenance program. Especially those counties (such as Spokane) that have a sole source drinking aquifer. In addition, there should be more stringent requirements for all counties to have a feedback loop to DOH (perhaps similar to the waiver feedback system) that tells DOH how many Treatment Level A and B systems there are in those counties and how they are being monitored and maintained. Right now, many systems are located in critical areas that do not have any maintenance required by local health districts. This is silly since we are making a big deal out of these sites when we assess their environmental public health risk and then simply let them do their own thing (which is nothing) until there is a failure of that system. This needs to change especially in Spokane County.”

“This continues to be an area where Local Health Departments could use more assistance.”

“It is too early to tell how effective they are. The same language has been in there for a long time.”

“What ... needs to be looked at is the frequency of inspections and who can do them. In some instances it may be okay but in most instances homeowner inspections work but that situation is very limited.”

“We have good legal support to ensure the systems are fixed when broken.

We do have trouble ensuring the rules are met when the homeowner cannot afford to fix the system. It would be helpful to have some kind of funding source for the extreme situation. It would be helpful to have an outside party screen the applicant for financial need. The LHJ does not want to be put in the position to evaluate the financial needs of the homeowners. We try to keep our repair fee lower because homeowners can't borrow the money.”

“The rules force the counties to be the bad guy. It would be really helpful to have state-wide rules that require homeowner training.”

“The RCW is helpful for this.”

“If the people want to fix their system we have enough rules. If we need to get into enforcement it's a long drawn out process. There should be more added to the actual rules for enforcement procedures that are uniform and state-wide. The approach should be consistent throughout the state.”

“Before the rules are revised, a funding source needs to be found. Yes, the rules need to be changed, but funding needs to come with it.

The code has unrealistic requirements. The one and three years are not enforceable. The cost related to ensuring this is done is huge.”

“Enforcement is a local issue.”

“Ditto above. *‘There should be a standard process for an on-going permit that says you will maintain your system. The homeowner should have a permit that explains to them the expectations. If the system fails, the permit can be revoked.*

We permit to install and then go away. If we have a document that rode with the title that explained the requirements, etc.’”

“Limited to being contacted by a homeowner or being aware of the problem.”

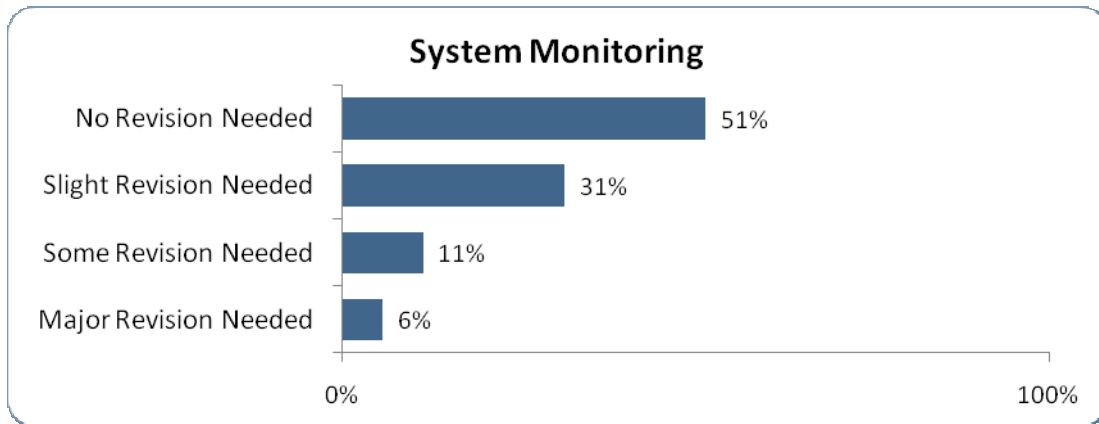
“This could be closer to major. I really wasn't sure what the roles should be based on the rules. I need better clarity for what should be done.”

“Need to better evaluate if O&M is required for more advanced systems.”

“System maintenance rules are too onerous to expect a high level of compliance in the long run. If in fact these systems need this level of maintenance, then maybe we should be changing systems requirements (simplify) such that maintenance is achievable rather than continuing to permit systems that ‘need’ a high level of maintenance.”

“The rule needs to be more specific on O&M requirements.”

Question: Do the rules effectively regulate the system monitoring?



“The inspection intervals are too short in the requirements of the WAC. The local health district doesn't require inspection of systems to meet the WAC now.”

“See above comments. *‘Counties outside of the Puget Sound area need to have more stringent requirements for a true Monitoring and Maintenance program. Especially those counties (such as Spokane) that have a sole source drinking aquifer. In addition, there should be more stringent requirements for all counties to have a feedback loop to DOH (perhaps similar to the waiver feedback system) that tells DOH how many Treatment Level A and B systems there are in those counties and how they are being monitored and maintained. Right now, many systems are located in critical areas that do not have any maintenance required by local health districts. This is silly since we are making a big deal out of these sites when we assess their environmental public health risk and then simply let them do their own thing (which is nothing) until there is a failure of that system. This needs to change especially in Spokane County.’*”

“For Chelan-Douglas the interval for monitoring is too restrictive. For most of the standard pressure and gravity is too frequent. Thought might be to extend it to 5 years. Maybe 3 years for pressurized systems.”

“The language in the rule is good. It is unclear how homeowners will know and comply with the rules. There is not enough capacity at the local to ensure the homeowners are aware and comply with the rules.”

“The county hardly ever deals with the homeowner. The designer is the one that does that and I am not sure how well they communicate the homeowner.”

“What ... needs to be looked at is the frequency of inspections and who can do them. In some instances it may be okay but in most instances homeowner inspections work but that situation is very limited.”

“The rules do give us the authority as needed.”

“Every time we go out to maintain the system, there is something wrong. We need to make sure we only approve proprietary systems that are realizable and require less maintenance frequencies than every six months. What we find is that after the original O&M contract has expired, homeowners do not typically contract for more O&M.”

“The rules force the counties to be the bad guy. It would be really helpful to have the state-wide rules require homeowner training. We need to move towards having professional O&M for all systems.”

“This needs to be revised to be suggested not required for rural areas. We are being told that we have to do it, but how do you make people do it. The enforcement needs to relate to risk.”

“We have developed our program and it is working really well for us.”

“It needs to be rethought and funding figured out. I absolutely support O&M. It needs to be in rule but the current rules are not meeting the need. Some reality needs to be brought to the programs.”

“The tough part is that homeowners cover up the ports that were put in. There should be something that says that the homeowner can not cover them up.”

“We think that most people are doing the best they can to protect them and keep them working.”

“May need a boost on the O&M requirements. It's a little lacking as far as enforcement.”

“If there could be some flexibility in the schedule of evaluations. A newly permitted system is clearly operated and maintained properly there should an option to alter the time frame to match the degree of risk.”

“I feel that there is a requirement lacking for counties that have sole source drinking waters. What I see going on is that because O&M is not being done in this area, the environmental lobby is filling in with Critical Aquifer Recharge Area (CARA) ordinances that are more stringent than they need to be. In Spokane County, Ecology is heavy handedly overseeing the O&M of OSS systems. The notice to the deed isn't enough. In sensitive areas we need to have a state-wide O&M program that has real proof that the O&M is being completed. The homeowners do not complete O&M as needed. The extent of the program is a postcard/check box. If there are treatment level A & B near a lake, the system needs to have annual inspections. The rules need to have O&M requirements for treatment level A & B. The O&M program would help to keep CARA ordinances from becoming too restrictive.”

“Need to better evaluate if O&M is required for more advanced systems.”

“Without sustainable funding sources, monitoring O&M will likely not be possible in the long run. If we addressed the issues I brought up in #7, maybe monitoring would also be less onerous and therefore achievable. We're making things way too complicated. It's clear that State DOH has trouble dealing with these issues for LOSS's why would it be expected that LHJ's can make it work with tens of thousands of systems to deal with.”

“The WAC is open enough to allow LHJs the ability to find something that works for our citizens in the areas of Operation, Maintenance and Monitoring while providing a frame work to build upon.”

“Increase the responsibility for on-going maintenance to owner/occupant, reducing obligations of LHJ's.”

“A guideline for monitoring and maintenance would be helpful, assuming DOH will have enough employees left to write one.”

“Monitoring frequency is sufficient...but could probably be reduced for OSS with an established record of proper functioning.”

Question: Are there areas in the rule that need to be improved during the next rule revision process?

Note: this question was not ranked; we requested written feedback only.

“It seems that the last rule was unnecessary and created more problems.”

“All counties should have at least a sliding-scale monitoring and maintenance program. It is not enough just to know where they are and have an as-built drawing of the system. There should be a state-wide program set up to implement what is successfully being done in Kitsap County now.”

“I understand budgetary restraints and all, but to the outsiders and the local health departments, to push regulations on the locals which they are to enact and enforce and yet not have the state meeting it's obligations (TAC and advisory committee) appears, diplomatically, weak if not hypocritical.”

“At this stage I think the effort needs to be shifted to the R, S, and Gs if not the TAC. The local and professional communities need this support. “

“We NEED guidance for Method II. The county has refused to permit using this method as they do not have the guidance available.

[Name] has some concerns for the certificate of competency (the DOL exam). The scope of the exam is not applicable to what is required for OSS in Chelan-Douglas.”

“Implementation is based on funding availability. This rule seems like an unfunded mandate. There should be more joint enforcement between the state and county.

Ecology's solid waste section is a good example of how to make this work. We'd like to work more as a team with the State.

We need the guidance for Method II. We have a hard time when the WAC and RS&G are not the same. It's hard to ask designers to comply with the more stringent WAC when the RS&G allows a preferable design.”

“When I compare the OSS to solid waste, food, pool, living environment, the solid waste rules are the most clear. One of the best parts of the new rules is the annual review of the proprietary products. The rules are reasonable, doable, and based on science.”

“The DOL certification process has been difficult for our staff. We have had a problem with our staff failing the class multiple times. The training that DOH provides does not seem very helpful for passing the test. Also, the tests change so much it's hard to study and know what the person taking the test needs to know. Because it's an all purpose test, there are some questions that are not appropriate and when they miss them, it might be what causes them to not pass. Because they need field time, two years might not be enough. Because the test is graded on a curve, the inspectors have to hit a moving target. It seems strange that the inspector is held to a higher standard than the engineers. Sometimes they need to train the engineers.”

“Our rules go too far for most of the state. This is based on area vs. people.”

“We are concerned with the smaller lot size requirements. We adopted the larger lot size requirements for our county.”

“The WAC is laid out such that it looks to the public like the wording about the 12 Puget Sound counties continues through the entire WAC. They end up having to explain to the public frequently that the WAC is applicable to all counties, not just the Puget Sound Region.”

“The rules should be revised to provide better clarity. The reality of the situation is that eastern Washington does not use most of the rules.

Two big items. Requirements should be more based climate/density/waste strength - risk based. We need a tool to work with that gives us the ability to apply the design criteria to meet risk present on each site.”

“Generally overall, I think we have one of the best set of on-site rules in the country. They are the most science based and well done.”

“The rules were drafted via committee. This resulted in rules that are made to keep people happy. Is it really possible to meet the intent when the committee is made up of folks with goals that are not in the public's best interest?

There is good potential developed in the rules. Given all the hands that were involved in the document, I think it's pretty good. Before it's revised again, there needs to be some real thought as to the do-ability of the rule. Will the changes really do good and can they really be accomplished at the county level?”

“The eastside folks have gotten a free pass on some of the O&M, nitrate issues, etc probably need more oversight than the rule provides.

The code does a pretty good job of providing the basics. The counties need to fine tune their codes to address the situation in the individual county.”

“-0234 #7 - LOADING RATES...this reduction may not be combined. The loading rate cannot be reduced when the soil is an integral part of the system. Is it true that you can really not take a reduction when the soil is an integral part of the system? It would be good to include the correct wording in the rule.”

“Sand lined trenches. We used to get more of a reduction in silt-loam soils. It's hard to convince people to use them when we are not getting the benefit of the loading rate reduction. People are using gravity when we would rather have them put in the sand lined trench.

General comment: Not [having] a certification program for pumpers and O&M providers is problem for us. We need to have more that the right to do this. We need to be able to talk about which people need to be certified. We need something like a food handler card for new pumper employees. This would be a good way to begin to work with O&M providers. It would be really helpful to have a state-wide program.

The code is new. It would have helped to have the new sections bolded...or different font. It would still be helpful.

Realtors will list bedrooms as 4 or 5 bedroom homes when the system was designed for 2 bedrooms. Before the home is sold as a four bedroom home, they need to ensure the system and reserve is built correctly. We need to have a report of system size and status. There should be a bleed over to the real state rules. It needs to be part of the disclosure rules.”

“There are so many areas where it is not exactly clear about the responsibilities and who should be doing the work. There are far too many, "except..." in obscure places. It's too hard to find everything that is needed. The rules are probably protective of public health, but because they are confusing, problems can crop up.

There is a difference between how it is published and how it is applied.”

“The permitting of proprietary treatment products is a problem for us. What we see day to day are problems with items like the Glendon Design manual, when there isn't a manual is a problem.

The Biomicrobics ATU were not getting installed in an approved manner. The more information that can be passed along to local health the better. It would be nice to have access to the installation manuals and O&M manuals.

The waiver mitigation criteria are a problem. The manuals are not available to designers and installers. The county ends up playing games with the folks to get proof of the mitigation proposal.”

“The rules are very well balanced with design and environmental protection. The new rules give me the flexibility to design the best system for the site. The allowances that used to be done via a waiver process are now accomplished. It would be nice to provide the counties with a class or process for running an O&M program. DOH should develop a guidance document and outline what a doable O&M program looks like. I'd like to see DOH provide a workshop on how to set up the O&M program. In addition, they need the mandate to set-up an O&M program for treatment level A systems.”

“Take out Method II for minimum land area requirement, too much grey area.”

“Short of making things simpler, I wouldn't suggest any major changes to the rule.”

“Not at this time.”

“No clear application to flood zones (not setbacks from surface waters). Increase the responsibility for ongoing maintenance to owner/occupant, reducing obligations of LHJ's.”

“Some allowance should be given for arid soil conditions. The need for vertical separation of 3 ft is greater in Thurston County than in Benton County.”

“Table IX is unnecessary and should be removed. All repairs should be required to meet new system requirements, and waivers can be used when this is not possible.”

“The first 30 pages or so dealing with product registration and listing seems out of place in the rule. [It] would have been better to place this in a separate WAC section so the regulatory rule component would be more compact and direct in use. Tables within the WAC are cumbersome and sometimes confusing and hard to follow, too much information is presented to be clear.”

“We have not received any information indicating that an illness has been attributed to exposure to sewage. At this time, revisions that we might view as appropriate relate to the way parts of the rule are administered, however these revisions do not relate to protecting public health.”

“Please take into account other land use rules.”

1. Consider delegation of some smaller LOSS to locals with agreement.
 2. Address grey water reuse.”
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Conclusion

The responses to this survey helped us meet the requirements to evaluate the effectiveness of WAC 246-272A and to report to the State Board of Health. Feedback given by LHJs and others was key to our evaluation. We do not recommend revising the rule at this time, but will re-evaluate the rule in four years. Until then we will continue to provide technical assistance to LHJs and assist at the national level in preparing standards for new technologies.

If you have questions about this report or the survey, please contact Lynn Schneider, Wastewater Management Specialist, at lynn.schneider@doh.wa.gov or 360-236-3379.