

**Fact Sheet**  
**Regulatory Authority of**  
**Large On-site Sewage Systems (LOSS)**

**Chapter 70.118B RCW**  
*July 2012*



**Background**

In the past, regulation of on-site sewage systems was divided between local health jurisdictions, the Department of Health (DOH), and Department of Ecology. This division of regulatory authority caused confusion for homeowners, developers, the wastewater industry, and state and local governments. It also created a barrier to permitting. The Puget Sound Partnership and the On-site Sewage Advisory Committee recommended transferring the authority for all large on-site sewage systems to DOH as a way to address these issues.

In 2006, the legislature passed a bill designed to strengthen management of on-site sewage systems that have the potential to impact Puget Sound. The bill, ESHB 1458, focused on smaller septic systems regulated by local health jurisdictions. It established a new rule, [Chapter 246-272A WAC](#), which was adopted by the State Board of Health in 2007.

In 2007 another legislative bill, ESSB 5894, focused on Large On-site Sewage Systems (LOSS) that treat over 3,500 gallons per day (gpd) of domestic sewage. The bill has been codified as [RCW 70.118B](#). The law:

- Grants DOH regulatory authority for all domestic subsurface wastewater disposal systems that are designed to treat from 3,500 to 100,000 gpd.
- Directs DOH to review the design and construction of systems and to make rules that protect human health and the environment.
- Includes public notice and third party appeals for high volume LOSS (above 14,500 gpd).
- Ensures on-going maintenance and operation of systems by requiring operating permits for all LOSS.
- Requires DOH to use the work group convened under [RCW 70.118A.080\(4\)](#) to help develop recommendations for certification or licensure of large on-site system operators.
- Clarifies civil penalty authority for DOH.

Local health jurisdictions retain regulatory authority for systems designed to treat less than 3,500 gpd under State Board of Health rules.

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| <b>On-site Sewage Regulatory Framework</b>                              |   |   |
|---|---|---|
| <b>Regulatory Authority</b>   | <b>Prior</b>  | <b>Current</b>  |
| Local Health Jurisdictions<br>(Chapter 246-272A WAC)                    | Systems under 3,500 <sup>1</sup> gpd<br>(more than 800,000 systems state-wide.)   | No change   |
| Department of Health<br>(Chapter 246-272B WAC)                          | Non-mechanical systems 3,500-14,500 <sup>2</sup> gpd<br>(300 with operating permits in 2010; and<br>up to 500 installed before permits required.)                         | All on-site systems<br>3,500 – 100,000 <sup>3</sup><br>gpd, regardless of<br>treatment type |
| Department of Ecology<br>(Chapter 90.48 RCW and<br>Chapter 173-240 WAC) | Mechanical systems 3,500 – 14,500 gpd;<br>All systems over 14,500 gpd<br>(about 25 systems permitted state-wide;<br>at least 10 more systems without Ecology<br>permits.) | On-site systems<br>greater than<br>100,000 gpd  |

<sup>1</sup> 3,500 gpd is approximately 10 2-bedroom houses or a small strip mall.

<sup>2</sup> 3,500 - 14,500 gpd is a full service restaurant, large grocery store or up to approximately 45 houses.

<sup>3</sup> 100,000 gpd is a community system serving approximately 350 homes.

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[www.doh.wa.gov/CommunityandEnvironment/WastewaterManagement/LOSSProgram.aspx](http://www.doh.wa.gov/CommunityandEnvironment/WastewaterManagement/LOSSProgram.aspx)

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