

On-Site Rule Revision Committee Recommended Draft Rule Language with Visible Edits

BLUE = Additions RED = Deletions to existing rule language

WAC 246-272A-0015

Local management ~~plans and regulation.~~

(1) By July 1, 2022 ~~07~~, the local health officers of ~~all each~~ health jurisdictions ~~in the twelve counties bordering Puget Sound~~ shall develop ~~or revise~~ a written management plan ~~that will provide guidance to the local health jurisdiction regarding development and management activities~~ for all OSS within the jurisdiction. ~~At a minimum~~, the plan must specify how the local health jurisdiction will:

(a) Progressively develop and maintain an inventory ~~including the number and location~~ of all ~~known~~ OSS in operation within the jurisdiction;

(b) Identify any ~~of the following~~ areas where OSS could pose an increased public health risk, ~~if applicable: The following areas shall be given priority in this activity:~~

(i) Shellfish protection districts or shellfish growing areas;

(ii) Sole source aquifers designated by the USEPA;

(iii) Areas in which aquifers used for potable water as designated under the Washington State Growth Management Act, chapter 36.70A RCW are critically impacted by recharge;

(iv) Designated wellhead protection areas for Group A public water systems;

(v) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

(vi) Areas designated by the department of ecology as special protection areas under WAC 173-200-090, Water quality standards for groundwaters of the state of Washington;

(vii) Wetland areas under production of crops for human consumption;

(viii) Frequently flooded areas including areas delineated by the Federal Emergency Management Agency and or as designated under the Washington State Growth Management Act, chapter 36.70A RCW;

(ix) Areas where nitrogen has been identified as a contaminant of concern; and

(x) Other areas designated by the local health officer.

(c) Identify operation, maintenance and monitoring requirements commensurate with risks posed by OSS within the geographic areas identified in (b) of this subsection;

(d) ~~Facilitate education of~~ ~~Educate~~ OSS owners regarding their responsibilities under ~~the local management plan this chapter~~ and provide operation and maintenance information for all types of systems in use within the jurisdiction;

(e) Remind and encourage homeowners to complete the operation and maintenance inspections required by WAC 246-272A-0270;

(f) Maintain records required under this chapter, including ~~of~~ all operation and maintenance activities as identified; ~~and~~

(g) Enforce OSS owner permit application, operation, monitoring and maintenance and failure repair requirements defined in WAC 246-272A-0200(1), 246-272A-0260, 246-272A-0270, 246-272A-0275, and 246-272A-0280 (1) and (2);

(h) Describe the capacity of the local health jurisdiction to adequately fund ~~and implement~~ the local OSS plan, ~~including a summary of program expenditures by activity, source~~

of funds, and a strategy for filling any funding gaps ~~and the ability to find failing and unknown systems;~~

(i) ~~As~~ Ensure that it was developed to coordinate with the comprehensive land use plan of the entities governing development in the health officer's jurisdiction; and

(j) Ensure opportunity for public input into development of the plan.

(2) After ~~being approved by the~~ local board of health approval following a public hearing, the local health officers ~~required to develop a written plan under subsection (1) of this section~~ shall:

(a) ~~Supply~~ Submit a copy of the plan ~~to the~~ for departmental review;

(b) Review the plan and update as necessary at least once every five years from the date of local board of health plan approval;

(c) Implement the plan and report annually to the department in a format specified by the department. ~~described in subsection (1) of this section.~~ Annual reports should include any of the following data elements, if applicable: type, age, location, status of compliance with inspections required by WAC 246-272A-0270, unknown OSS, number of inspections, number of property transfer inspections, or other elements deemed necessary; and

~~(b d)~~ Supply a copy of the plan to the entities responsible for land use planning and development regulations in the health officer's jurisdiction.

~~(3) The plans of local health jurisdictions required to develop a written plan under subsection (1) of this section shall be submitted to the department by July 1, 2007, and shall be reviewed to ensure the elements described in subsection (1) of this section have been addressed. The department shall review the plan to ensure the elements in subsection (1) of this section have been addressed and provide any comments in writing to the local board of health its review of the completeness of the plan. Any revisions made by the local health officer to the OSS plan required in subsection (2) of this section shall be submitted for department review.~~

~~(4) For purposes of this chapter, the local health jurisdictions in the 14 marine counties are Clallam, Island, Jefferson, Kitsap, Mason, San Juan, Seattle King, Skagit, Snohomish, Tacoma Pierce, Thurston and Whatcom.~~

~~(5) The local health officers for all other jurisdictions not required to develop a written plan under subsection (1) of this section shall develop a written plan that will provide guidance to the local jurisdiction regarding development and management activities for all OSS within the jurisdiction. At a minimum the plan shall include:~~

~~(a) A description of the capacity of the local health jurisdiction to provide education and operation and maintenance information for all types of systems in use within the jurisdiction;~~

~~(b) A description of how the local health officer will remind and encourage homeowners to complete the operation and maintenance inspection required by WAC 246-272A-0270; and~~

~~(c) A description of the capacity of the local health jurisdiction to adequately fund the local OSS plan.~~

~~(6) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer shall require the owner of the OSS to:~~

~~(a) Comply with additional requirements identified in the plan for the location, design, or performance; and~~

~~(b) Comply with the conditions of the operational permit if one is required;~~

~~(7) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer may require the owner of the OSS to:~~

- ~~(a) Ensure additional maintenance and monitoring of the OSS;~~
- ~~(b) Provide dedicated easements for inspections, maintenance, and potential future expansion of the OSS;~~
- ~~(c) Place a notice to title identifying any additional requirements for OSS operation, maintenance and monitoring, and~~
- ~~(d) Have an inspection of the OSS at the time of property transfer including the preparation of a "record drawing" if necessary.~~

(84) ~~No later than July 1, 2006 (appropriate date);~~ The department shall **develop** maintain and update guidance including best management practices **on local management programs** and provide technical assistance to assist **marine** local health jurisdictions in plan development.

7.5 ~~In order to implement the plan described in subsections (1) and (5) of this section, the local health officer shall require the owner of the OSS to:~~

~~(a) (d) Have an inspection, as defined by section 0260, of the OSS at the time of property transfer by an inspector authorized by the local health officer. including the preparation~~ The local health officer may verify the results of the property transfer inspection for compliance with section 0260. The local health officer may waive the requirement for a property transfer inspection if the OSS is in compliance with inspection requirements in 0270.
~~of a "record drawing" if necessary.~~

~~(b) Have an inspection, as defined by section 0260, of advanced treatment systems with proprietary products done at the time of property transfer by an inspector approved by the local health officer per the product manufacturer recommendations. The local health officer may verify the results of this inspection for compliance with section 0260 and the product manufacturer recommendations. The local health officer may waive the requirement for a property transfer inspection if the OSS is in compliance with inspection requirements in 0270.~~