

Committee Members in Attendance:

Chuck Ahrens, WA On-Site Sewage Association
Cindy Alia, Property Rights Groups
Jim Bell, National OSS Technology Manufactures
Rick Dawson, Local Health Jurisdictions (LHJs) – Eastern WA
Bill Dewey, Shellfish Industry
Rob Drexler, WA Realtors
Josh Gunia, OSS Installers
Betsy Howe, Citizens Groups
JR Inman, OSS Service Providers (excused just before lunch break)
Dave Jensen, OSS Design Engineers
John Keiss, LHJs - Western WA
Dave Lowe, WA OSS Technology Manufactures
Doug McMurtrie, Tulalip Tribe
Laurie Morgan, WA Dept. of Ecology
Jon Sherve, LHJs – Eastern WA
Stuart Whitford, LHJs - Western WA
Bruce Wishart, Environmental Groups
Jerrold Hoeth, OSS Installers, *Alternate*
Jake Lowe, WA OSS Technology Manufactures, *Alternate*
Jeanette McKague, WA Realtors, *Alternate*
Mike Moren, OSS Design Engineers, *Alternate*
Jon Ness, LHJs – Eastern WA, *Alternate*

Others in attendance:

Stuart Glasoe, State Board of Health
Jade Hudek, WA Dept. of Health
Mike Dexel, WA Dept. of Health
Jeremy Simmons, WA Dept. of Health
Randy Freeby, WA Dept. of Health
Lisette Anson, WA Dept. of Health
Leslie Turner, WA Dept. of Health

Committee Members not in attendance:

Terry Hull, On-Site Financing
Jeff Parsons, Puget Sound Partnership
Jeannie Yackley, OSS Designers

Welcome/Introductions

- The meeting began at 9:10 am. The facilitator reviewed the agenda and ground rules. Introductions were made around the room and over the phone. The order of business was set, with a suggestion to move a couple of items nearer to the top of the agenda. Materials made available to each attendee in a folder: issue papers and timeline of issue papers for future subcommittee meetings. The facilitator addressed a question regarding a miscommunication emailed to the group regarding a notice of meeting cancellation. The facilitator reiterated that any cancellation information will come directly from herself and to ignore any other information from any other members. The ORRC committee member requested that DOH address the problem and DOH confirmed that they would look into that problem.

On-Site Sewage System (OSS) Minimum Horizontal Separations – WAC 246-272A-0210

- Department of Health (DOH) introduced the recommendation from the Technical Subcommittee regarding OSS Minimum Horizontal Separations and explained that the issue paper includes a set of definitions. Discussion ensued. There was a question about stormwater setbacks. DOH reminded the group that the stormwater topics were decided in a separate issue paper already approved by the ORRC. That stormwater-related information will be added to the finalized section when the rule is written.
- A concern was voiced regarding some missing language that was to be included per the vote of the technical subcommittee. The missing verbiage was about adding “or easement for water supply line” to the same row as pressurized water supply line. After discussion, the verbiage was added to the issue paper. Another motion was made to vote on the issue as it was displayed on the screen to the ORRC, showing the revisions made during the discussion. Hand votes were a unanimous 16 in favor for recommendation.
- There was a request from a committee member to add language addressing setbacks to highly infiltrative soils near shorelines. DOH responded that the local health jurisdictions (LHJs) have the authority to add more restrictive language, and they have a better understanding of soils around marine water in their jurisdictions. A member suggested that that information be considered in future rule making, versus local rule.

Service Provider Licensing - WAC 246-372A-0340

- DOH provided insight that they do not have the authority to provide a state wide licensing program, per direction of their assistant attorney general. This topic was discussed only with the Policy Subcommittee. No further discussion or questioning ensued. An ORRC committee member called for the question to vote as presented to ORRC with no revisions. A hand vote totaled 13 out of 16 in favor, with 2 opposed.

Inspections - WAC 246-272A-0260

- Inspections were the next issue paper discussed. This issue had been presented to the Technical Subcommittee then the Policy Subcommittee. DOH explained that beyond the familiar blue for additions and red for deletions in the paper, the presence of orange indicated changes that the Policy Subcommittee recommended. DOH reminded the ORRC that this was a recommendation for minimum standard for the entire state of Washington; the LHJs may make their requirement more stringent than the rule.
- There were several questions of the term “evaluate.” DOH answered with their definition of evaluate as was borrowed from another portion of the rule, -0270. DOH asked the ORRC to consider the thought of inspection versus looking solely at the components.
- A concern from the ORRC was shared for the homeowners and that by making homeowners inspect their own systems would lead to potential complications to the

homeowner. There was also concern on the training that would be available to the homeowners.

- A request was made from the ORRC for DOH to provide the science behind the frequency at which a system must be inspected that would benefit public health and a cost analysis of what it would cost per inspection. DOH then stated that a cost analysis would be performed and presented to the State Board of Health. An ORRC member recommended that if homeowners are allowed to perform their own inspections, then the state should follow NORWA recommendations: require that fall-protection be used so that small children or animals do not fall into tanks.
- A motion was made to vote on the language as presented to the ORRC. The vote was 15 in favor and 2 opposed.

Waivers – WAC 246-272A-0420

- Rule writer started by asking the ORRC for recommendations on what waivers would look like. ORRC requested some more information on how many, explanation of why waivers were issued and what the acceptable mitigation measures are. Three of the ORRC members requested this information. DOH stated that the LHJs should have the data that ORRC requested. DOH stated that all waivers are kept for 50 years at DOH. DOH explained that the information could be obtained through an information request. The vote was 16 in favor with 1 opposed after discussion for the recommendation as presented.

Definitions: On-site Sewage System, Expansion, Repair, and Unknown system

- This issue paper was only sent to the Policy Subcommittee. For the definition of “**on-site sewage system**,” the language came from the RCW chapter 70.118A. The vote was 15 in favor and 1 opposed on the definition as presented.
- The definition for “**expansion**” was discussed next. DOH suggested some additional language, however, the subcommittee was against that and wanted to keep the definition as is. There was no vote on the matter as there was no change to the verbiage from the current WAC.
- The next definition was for the term “**repair**.” There was a suggestion from the ORRC that “minor repair” and “major repair” should be separately defined. A vote was 1 in favor and 13 opposed out of 17 members for language as it was presented to the committee. A member suggested that DOH address the definition of “repair” to protect the owners when connection to sewer was not warranted. The definition of repair will go back to DOH for revisions and be presented again to the subcommittees before being revisited to the ORRC.
- “**Unknown system**” was discussed next, and was addressed as only being mentioned in the current rule one time. The vote was 15-0 unanimously in favor as discussed and revised during the ORRC meeting.

Definitions: Failure

- DOH explained that the Policy and Technical Subcommittees voted to keep existing WAC definition, which is consistent with the 2006 RCW definition. ORRC concluded that if nothing changes then there should be no vote.
- Although the vote was for no change to the language, a member of the ORRC requested that DOH commit to explain failure further because the words “threaten” and “potential” (used in the definition) were vague.
- There was also a request to change the wording to ban cesspools. DOH explained that due to EPA standards cesspools are not considered failures unless there is indication of pollution to groundwater or surface water.

Definitions: Group 3

This topic was only taken before the Technical Subcommittee and DOH shared the changes the subcommittee made. Votes were cast section-by-section, where changes had to be made.

- In the subsection of “**adjacent to marine shoreline**,” based on what was presented, the vote was 13 in favor with 0 opposed.
- The next section was “**floodplain**.” As presented, the vote was tallied as 13 in favor with 0 opposed.
- The next definition to be discussed was “**black water**.” As presented, the vote was 15 in favor with 0 opposed.
- The next definition to be voted on was “**drainage area**.” As presented, the vote was 14 in favor with 0 opposed.
- The next section was titled “prohibited waste,” as that was how it was proposed to DOH. DOH decided that our existing definition of “**industrial wastewater**” would fit the intent of prohibited waste, and added examples as additional clarifying language. The conclusion of discussion was that the additional language added by the technical subcommittee regarding examples was too exclusive.
- A suggestion mentioned that this definition could be addressed in “non-residential sewage.”
- Another suggestion was to take out this definition and to add it to an RS&G or another guidance paper possibility pertaining to high strength and to get to residential waste.
- Ecology’s definition to industrial wastewater was read by DOH, in which DOH stressed that it’s similar to the LOSS rule.
- There was a motion to vote on the issue paper as presented to the ORRC. As presented, the vote was 0 in favor. A motion was made to leave the definition for industrial wastewater as currently defined. The vote was a unanimous 16 in favor to maintain the current definition.

Technical Advisory Group (TAG) WAC 246-272A-0400

- DOH provided background on how HB 2617 eliminated the Technical Advisory Committee (TAC). This proposed issue paper portion was added to explain how the group is used currently and updated for future use. A vote showed 15 in favor, with 1 opposed as presented.

Policy Advisory Group (PAG) WAC 246-272A-0410

- A corrected issue paper was distributed to the ORRC, as the one posted on-line and given to the ORRC was the wrong version. DOH gave some background on the existing rule language. It states that the group SHALL meet. However, there is no distinction on how many meetings the group should meet. There were suggestions made to include term limits. A recommendation was mentioned for one year terms. As presented, the votes were 15 in favor, with 1 opposed.

Before leaving, DOH discussed the work plan for addressing issues for upcoming subcommittee meetings and upcoming ORRC meetings. DOH advised that the discussion of Management Plans will occur at the following meeting. The meeting concluded at 2:40 p.m.

Next ORRC Meeting is scheduled for **Thursday, December 13, 2018** at Department of Health in Tumwater.