

Summary of Draft Rule Changes
 August 2019
On-site Sewage Systems
Chapter 246-272A WAC



How to Use this Document

This summary contains the highlights from the current draft rule based on the recommendations made by the Onsite Rule Revision Committee. If a section is not listed, there are no proposed changes or only minor changes.

How to Find the Full Draft Rule and Other Supporting Documents

Supporting documents can be found at the department’s Rule Revision Webpage:

<https://www.doh.wa.gov/CommunityandEnvironment/WastewaterManagement/RulesandRegulations/OnsiteRuleRevision>.

Summary of Draft Changes

WAC Section Number	Section Title	Draft Changes
-0010	Definitions	<ul style="list-style-type: none"> • Changed several definitions for clarity and consistency throughout rule. • Added new definitions to address issues with application of current rule verbiage. • Added new definitions to address issues with application of draft rule verbiage.
-0013	Local Regulation	<ul style="list-style-type: none"> • Created new section number. Local Regulation now has its own section, separated from Local Management Plans. • No verbiage changes.
-0015	Local Management Plans	<ul style="list-style-type: none"> • Added specific requirements for all Local Health Jurisdictions (LHJs) in the development of their Local Management Plans (LMPs). • Added requirement for LHJs to revisit existing plans every five years. • Added requirement for department to provide written guidance and to provide technical support to LHJs for development.
-0025	Connection to public sewer system	<ul style="list-style-type: none"> • Clarified where to measure 200’ from to determine if connection to sewer is required. • Added new term, “Building Drain.”
-0100	Sewage Technologies	<ul style="list-style-type: none"> • Changed Recommended Standards & Guidance (RS&G) to Departmental Standards & Guidance (DS&G). • Added provision that department may remove, restrict, or suspend a product’s approval for failure to meet requirements of approval. • Updated verbiage for clarity.

<p>-0110</p>	<p>Proprietary treatment products – Certification and registration</p>	<ul style="list-style-type: none"> • Added <i>NSF/ANSI Standard 245: Residential Wastewater Treatment Systems - Nitrogen Reduction</i> as a method to verify nitrogen reduction for proprietary nitrogen reducing products. • Added <i>NSF/ANSI Standard 385 Residential Wastewater Treatment Systems – Disinfection Mechanics</i> as a method to verify bacterial reduction for proprietary supplemental bacterial reduction products. • Updated references to testing protocols. • Added requirement that product manufacturers follow departmental field performance standards. • Updated <i>Table I, Testing Requirements for Proprietary Treatment Products</i>, references to testing protocols and for clarity. • Updated <i>Table II, Test Results Reporting Requirements for Proprietary Treatment Products</i>, to separate disinfection levels from other treatment levels in order to allow for registration of supplemental (standalone) disinfection products, to allow bacterial reduction verification via testing for fecal coliform or <i>E. coli</i>, and for clarity. • Updated <i>Table III, Product Performance Requirements for Proprietary Treatment Products</i>, to separate disinfection levels from other treatment levels in order to allow for registration of supplemental (standalone) disinfection products, to allow bacterial reduction verification via testing for fecal coliform or <i>E. coli</i>, to update requirements for nitrogen reduction verification, and for clarity. • Updated verbiage for clarity.
<p>-0120</p>	<p>Proprietary treatment product registration— Process and requirements.</p>	<ul style="list-style-type: none"> • Updated verbiage for clarity and to match the department’s current product registration practices. • Updated references to testing protocols. • Updated reference to fee WAC (WAC 246-272). • Added requirement that product manufacturers verify field performance according to departmental standards and guidance documents. Added requirement that manufacturers report reasons for product failure to meet field performance requirements to the department. • Added provision for department to require compliance plans for product manufacturers whose products have led to concerns of public health risks. • Updated verbiage for clarity.
<p>-0125</p>	<p>Transition from the list of approved systems and products to the registered list –Treatment products.</p>	<ul style="list-style-type: none"> • Removed section –obsolete

-0130	Bacterial reduction.	<ul style="list-style-type: none"> • Updated verbiage to incorporate changes made to treatment standards (separating disinfection levels from other treatment levels and allowing for testing of bacterial reduction via testing for fecal coliform or E. coli). • Removed obsolete verbiage referring to testing under previous versions of standards. • Added <i>NSF/ANSI Standard 385 Residential Wastewater Treatment Systems – Disinfection Mechanics</i> as a method to verify bacterial reduction for supplemental bacterial reduction products. • Updated verbiage for clarity.
-0135	Transition from the list of approved systems and products to the registered list –Bacterial reduction.	<ul style="list-style-type: none"> • Removed section –obsolete
-0145	Proprietary distribution product registration— Process and requirements.	<ul style="list-style-type: none"> • Updated verbiage for clarity and to have distribution products’ and treatment products’ verbiage match, and to include the department’s current product registration practices. • Updated reference to fee WAC (WAC 246-272). • Added provision for compliance plans for product manufacturers whose products have led to concerns of public health risks. • Updated verbiage for clarity.
-0150	Transition from the list of approved systems and products to the registered list -Distribution products.	<ul style="list-style-type: none"> • Removed section –obsolete
-0170	Product development permits.	<ul style="list-style-type: none"> • Updated verbiage for clarity.
-0175	Transition from the experimental system program to application for product registration.	<ul style="list-style-type: none"> • Removed section –obsolete
-0200	Permit requirements.	<ul style="list-style-type: none"> • Clarified when permits are and aren’t required through introduction and use of new term, “Minor Repair.” • Incorporated provisions from <i>WAC 332-130-145, Topographic elements on maps—Requirements</i> (DNR rule) into site plan requirements. • Updated verbiage for clarity.

-0210	Location.	<ul style="list-style-type: none"> • Made several updates to <i>Table IV, Minimum Horizontal Separations</i> for clarity and to address emergent issues. • Updated verbiage for clarity.
-0220	Soil and site evaluation.	<ul style="list-style-type: none"> • Added “Drainage Areas,” a new term, to the list of site features that must be reported on the site and soil report. • Updated <i>Table V, Soil Type Descriptions</i>, for clarity. • Updated verbiage for clarity.
-0230	Design requirements—General.	<ul style="list-style-type: none"> • Updated <i>Table VI, Treatment Component Performance Levels and Method of Distribution</i>, to incorporate changes made to treatment standards (separating disinfection levels from other treatment levels). • Updated verbiage for clarity.
-0232	Design requirements—Septic tank sizing.	<ul style="list-style-type: none"> • Changed minimum septic tank size from 900 gallons to 1000 gallons.
-0233	Design requirements-Pump chamber sizing.	<ul style="list-style-type: none"> • Added new section. • Defined requirements for pump chamber sizing. • Defined “Pump Basin.”
-0234	Design requirements—Soil dispersal components.	<ul style="list-style-type: none"> • Modified <i>Table VIII, Hydraulic Loading Rates</i>, to allow higher loading rates for effluent treated to a minimum of TL C and DL 3. • Updated verbiage for clarity.
-0238	Design requirements—Facilitate operation, monitoring and maintenance.	<ul style="list-style-type: none"> • Updated verbiage for clarity.
-0250	Installation	<ul style="list-style-type: none"> • Updated verbiage for clarity.
-0260	Inspection	<ul style="list-style-type: none"> • Added provisions from Substitute Senate Bill 5503 (2019) that: <ul style="list-style-type: none"> ○ Require Local Health Officer (LHO) or a certified professional inspector to coordinate and obtain permission from owner before conducting an inspection; and ○ Prohibit LHO’s from requiring easements as a permit condition for inspection or maintenance for OSS that are on the same property that they serve. • Defined minimum procedures for property transfer inspections and required routine OSS evaluations.
-0270	Operation, monitoring, and maintenance-Owner Responsibilities	<ul style="list-style-type: none"> • Added requirement for owner to get approval from Local Health Officer to begin use of an OSS. • Added requirement for owner to obtain an inspection of OSS preceding property transfer. • Updated verbiage for clarity and consistency.

-0278	Remediation	<ul style="list-style-type: none"> • Added new section. • Added requirement for Local Health Officer to develop a remediation policy. • Added minimum requirements for remediation. • Added requirement for department to maintain a guidance document on remediation.
-0280	Repairs of malfunctions and failures	<ul style="list-style-type: none"> • Modified section heading • Added option of remediating OSS failure, if approved by Local Health Officer. • Added provisions from Substitute Senate Bill 5503 (2019) that require: <ul style="list-style-type: none"> ○ Priority be given to allowing a repair or replacement of an OSS consisting of only tank and drainfield. ○ Allowing repairs using the least expensive alternative that meets standards. • Added procedure for discovery of an unpermitted sewage discharge. • Updated <i>Table IX, Treatment Component Performance Levels for Repair of OSS Not Meeting Vertical and Horizontal Separations</i>, to incorporate changes made to treatment standards (separating disinfection levels from other treatment levels) and to correct inconsistencies with -0230. • Updated verbiage for clarity and consistency.
-0290	Expansions	<ul style="list-style-type: none"> • Updated verbiage for clarity.
-0300	Abandonment	<ul style="list-style-type: none"> • Clarified that tanks and other sewage containers can be removed or abandoned in place. • Clarified process.
-0320	Developments, subdivisions, and minimum land area requirements	<ul style="list-style-type: none"> • Increased minimum land area requirements in <i>Table X, Minimum Land Area Requirement For Each Single-Family Residence or Unit Volume of Sewage</i>, by 500 – 1000 sq. ft., depending on soil type. • Changed title of Table X. • Added “Minimum Usable Land Area” requirement to Table X. This is a new requirement. • Removed reference to Method I and Method II. • Developed new methodology and new Table XI for developments that do not meet Table X’s requirement. • Updated verbiage for clarity and consistency.
-0340	Certification of installers, pumpers, and maintenance service providers.	<ul style="list-style-type: none"> • Updated verbiage for clarity and consistency with remainder of rule. • Added requirement that Local Health Officer (LHO) establish approval procedures for maintenance service providers. Added allowance that LHO may allow reciprocity from other local health jurisdictions or third-party certification programs. • Added authorization for LHO to establish certification process for owners to inspect their OSS (for clarity).

-0400	Technical advisory group.	<ul style="list-style-type: none"> • Changed title of section. • Added requirement that Technical Advisory Group (TAG) members are selected for three-year terms. • Added professions to the list of potential TAG members. • Updated verbiage for clarity and consistency with remainder of rule.
-0410	Policy advisory group.	<ul style="list-style-type: none"> • Changed title of section. • Added requirement that Policy Advisory Group (PAG) members are selected for three-year terms. • Updated verbiage for clarity and consistency with remainder of rule.
-0420	Waiver of state regulations.	<ul style="list-style-type: none"> • Added requirement that department publish an annual report summarizing waivers issued over the previous year. • Updated verbiage for clarity and consistency with remainder of rule.

How to Find More Information

On-site sewage system rule revision process information is on the Department of Health website: <https://www.doh.wa.gov/CommunityandEnvironment/WastewaterManagement/RulesandRegulations/OnsiteRuleRevision>. You may also contact Jeremy Simmons, On-Site Sewage System Program, at 360-236-3346, or email jeremy.simmons@doh.wa.gov

For people with disabilities, this document is available on request in other formats. To submit a request, please call 360-236-3330 (TDD/TTY call 711).