

## REVISION OF CHAPTER 246-272AWAC



ENVIRONMENTAL HEALTH AND SAFETY  
WASTEWATER MANAGEMENT SECTION

# Presenters

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# Overview

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1

Rule Review Process

2

Development of Stakeholder-  
Recommended Draft Rule Language

3

Review Draft Rule Language

# Acronyms

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DOH = Department of Health

LHJ = Local Health Jurisdiction

LHO = Local Health Officer

OSS = On-site Sewage System

SBOH = State Board of Health

TL = Treatment Level

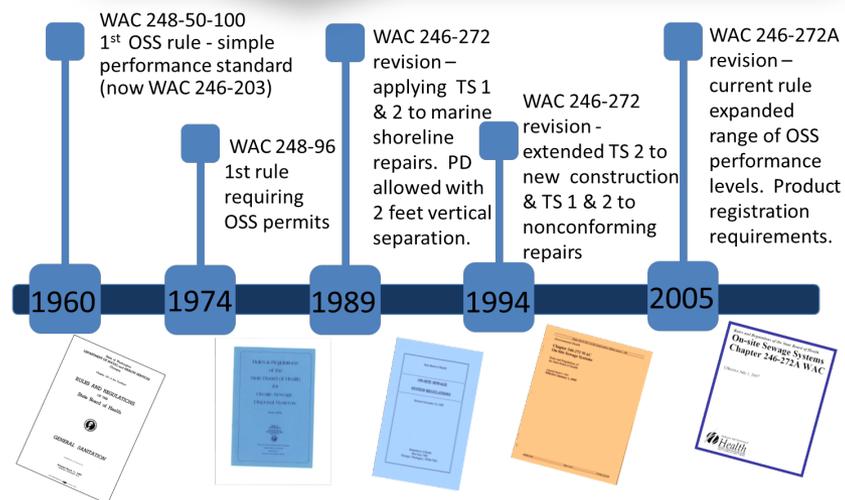
WAC = Washington Administrative Code

# Chapter 246-272A WAC

WAC 246-272A-0425 requires DOH to:

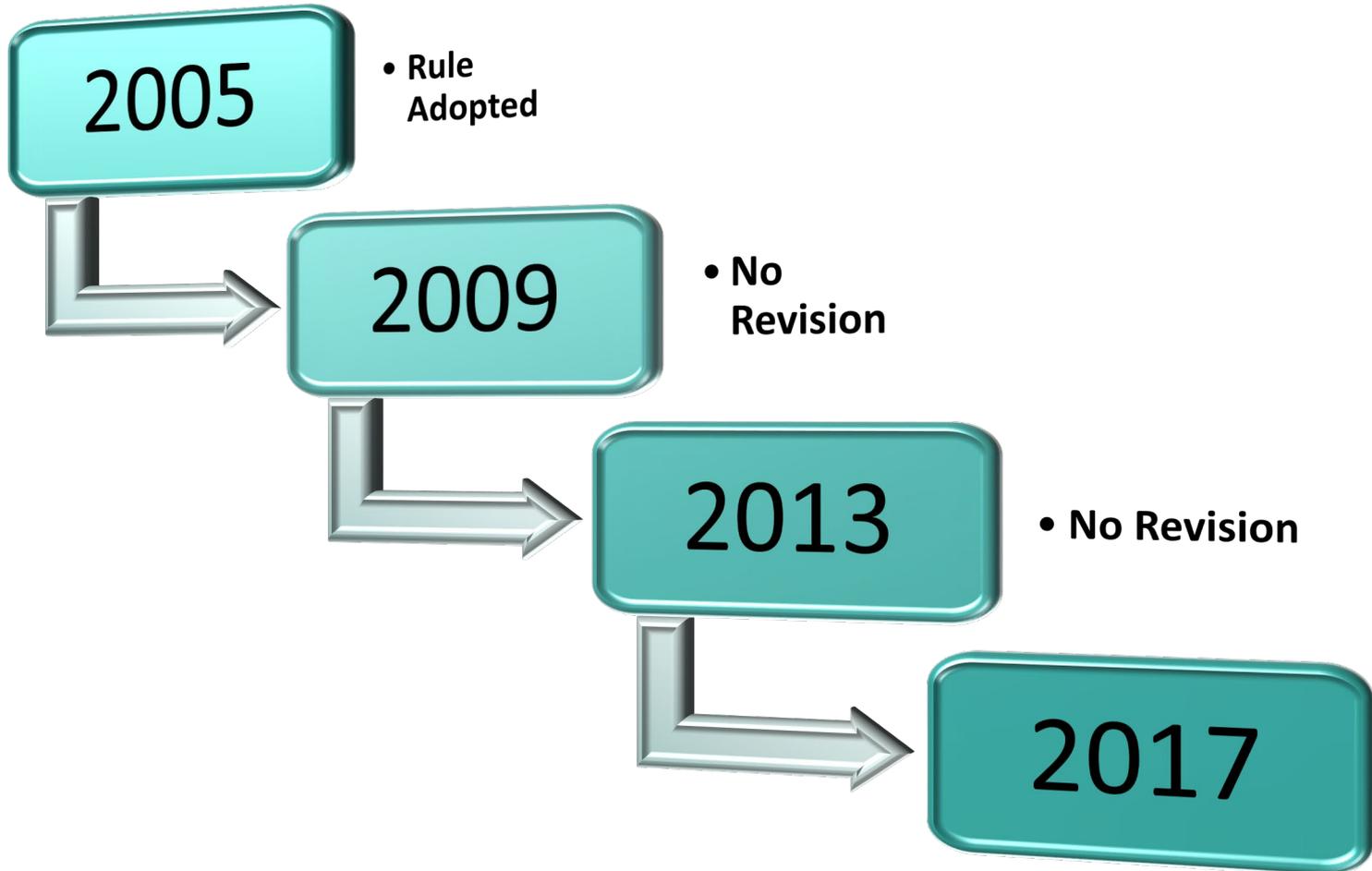
- Evaluate the effectiveness of the rule every four years
- Determine if revisions are needed
- Report recommendations to the state board of health and local health officers

## OSS Rule Time Line



# Chronological Rule Reviews

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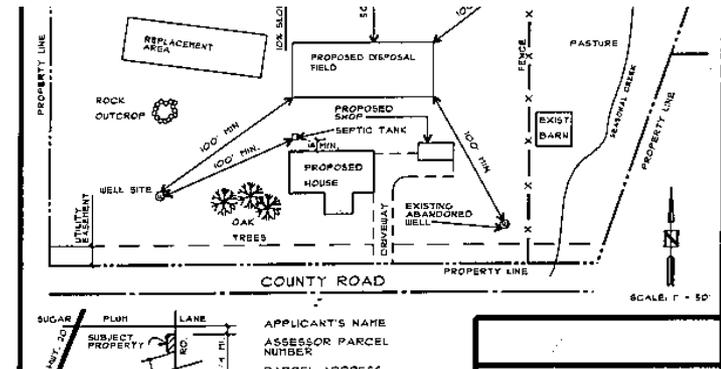
# 2017 Review of Chapter 246-272A WAC Seven Key Issues Were Identified

- Definitions
- Local management plans
- Property transfer inspections
- Application of treatment levels

# Chapter 246-272A WAC

## Seven Key Issues Were Identified *(continued)*

- Ultraviolet light (UV) disinfection effectiveness and approval
- Horizontal setbacks (system location)
- Statewide O&M service providers licensing



# Other Issues Identified During Rule Review

## Operation & Maintenance

Design Requirements

Secure Tank Lids

Service Provider  
Licensing

Prohibited Waste  
Types

## Monitoring

Disinfection Used to  
Meet Treatment  
Levels

Field Effectiveness  
Verification

Nitrogen Reduction

## Design Requirements

Treatment Levels

Minimum Lot Sizes

Repair of Failures /  
Connection to Sewers

Minimum Tank Size

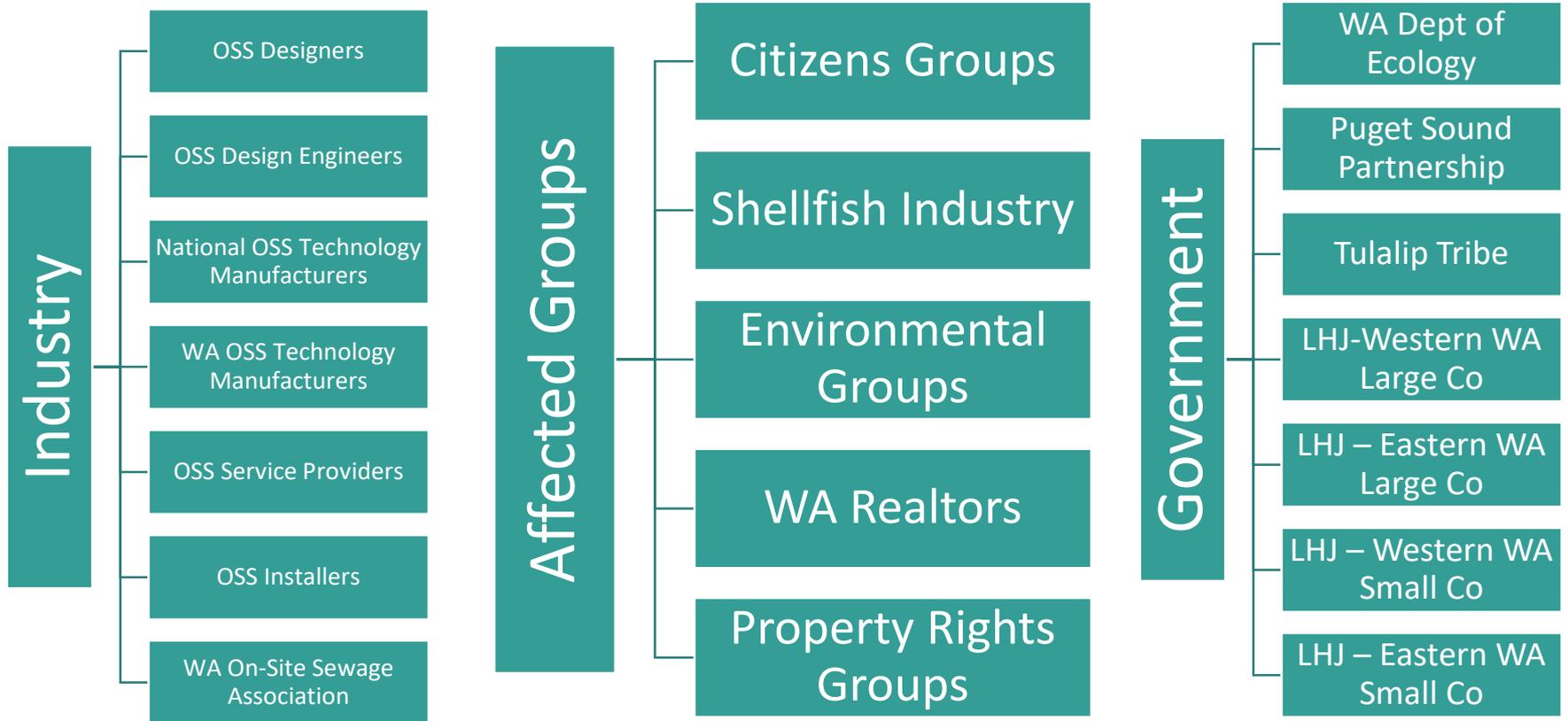
# Rule Revision Process

The On-site Rule Revision Committee works with DOH to provide recommendations to the Washington State Board of Health for revisions to chapter 246-272A WAC.



# Who's on the Committee?

Voting Members



- ✓ DOH facilitates and participates in conversations
- ✓ SBOH attends and provides input

# Review of Draft Changes

## Minor Changes

### Wording Changes

- “Onsite sewage system” changed to “OSS”
- “Assures” changed to “ensures”
- “Adjacent to marine shorelines” changed to “within two hundred feet” (in -0250 & -0290)

### Removed Sections

*These sections are obsolete.*

- -0125
- -0135
- -0150
- -0175

### Other Changes

- Updates to new edition of standards (ANSI, NSF, etc.)
- Typographic corrections
- Updates for clarity

These changes will not be covered in detail today

# Review of Draft Changes

## Significant Changes

### Significant Changes

- Definition updates
- Updates to enhance authority
- Permit process updates
- New or updated manufacturer requirements
- Addition of new options for failed OSS
- Other updates



These changes and related impacts will be summarized

# Review of Draft Changes

## Most Significant Changes

### Most Significant Changes

- Local management plans
- WAC 332-130-145, Topographic elements on maps –Requirements
- Property transfer inspections
- Hydraulic loading rates
- Treatment levels
- Horizontal setbacks
- Substitute Senate Bill 5503
- Repairs
- Minimum lot size and land area

*These changes and related impacts will be summarized and rule language will be reviewed*

# WAC 246-272A-0010

## Definitions

### Summary of Changes

Change Type	Draft Change	Result
Additions	Added new definitions	Addresses issues with application of current rule language
Additions	Added new definitions	Incorporates draft rule language
Deletions	Removed definitions	Incorporate draft rule language
Revisions	Changed definitions	Improves clarity and consistency

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Addition	<u>“DL” means disinfection level.</u>	Incorporates draft rule language
Addition	<u>“DS&amp;G” means departmental standards and guidance.</u>	Incorporate draft rule language
Addition	<u>“EPA” means United States Environmental Protection Agency.</u>	Improves clarity and consistency

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Revision	<b>"O&amp;G"</b> ( <del>formerly referred to as FOG</del> ) means oil and grease, a component of sewage typically originating from food stuffs (animal fats or vegetable oils) or consisting of compounds of alcohol or glycerol with fatty acids (soaps and lotions). Typically expressed in mg/L.	Incorporates draft rule language
Deletion	<del><b>"RS&amp;G"</b> means recommended standards and guidance.</del>	Incorporates draft rule language
Revision	<b>"TAGC"</b> means the technical advisory group <del>committee</del> established in WAC 2467-272A-0400.	Incorporates draft rule language Corrects outdated reference

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Deletion	<del>"USEPA" means United States Environmental Protection Agency.</del>	Improves clarity and consistency
Revision	<b>"Additive"</b> means a commercial product added to an <del>on-site sewage system</del> <u>OSS</u> intended to affect the performance or aesthetics of an <del>on-site sewage system</del> <u>OSS</u> .	Improves clarity and consistency
Addition	<b><u>"Black water"</u></b> means any waste from toilets or urinals.	Incorporates draft rule language

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Addition	<p><b><u>“Building drain”</u></b> means that part of the <u>lowest piping of a building’s drainage system that receives the discharge of sewage from pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the building wall.</u></p>	Incorporates draft rule language (Section -0025)

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Addition	<p><u>“Drainage area” means a land feature that directs water from rain, snowmelt, irrigation or collected stormwater that is not absorbed into the ground. The water flows over the ground surface. Examples of the landform features that direct water are gentle or steep hillsides or banks, mountains, glacial till, bedrock, or other restrictive area.</u></p>	<p>Improves clarity and consistency</p> <p>Incorporates draft rule language (Section - 0220)</p>

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Addition	<p><u>“E. coli” means Escherichia coli bacteria. Counts of these organisms are typically used to indicate potential contamination from sewage or to describe a level of needed disinfection, generally expressed as colonies per 100 ml.</u></p>	Incorporates draft rule language (Table II and Table III)
Addition	<p><u>“Fill” means 1. Unconsolidated material that meets specific textural criteria and is used as part of a dispersal component; 2. Unconsolidated material used to change grade or to enhance surface water diversion; or 3. Any other human-transported unconsolidated soil material.</u></p>	Improves clarity and consistency

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Addition	<u>“Flood plain” means an area that is low-lying and adjacent to a stream or river that is covered by water during a flood.</u>	Improves clarity and consistency
Addition	<u>“Malfunction” means a system deficiency that can be corrected by means of a minor repair.</u>	Incorporates draft rule language (Section -0280)

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Addition	<p><u>“Minor repair” means the repair or replacement of any of the following existing damaged or malfunctioning OSS components: fifteen (15) feet or less of SSAS piping or conveyance; control panels; building sewers; any other portions of tightline in the OSS; risers and riser lids; sewage tank baffles; effluent filters; sewage tank pumps; pump control floats; and OSS inspection boxes and ports where a sewage tank, treatment component, or soil dispersal component does not need to be replaced.</u></p>	Incorporates draft rule language (Section -0200)
Addition	<p><u>“Modification” means the alteration of an existing OSS component that does not result in an expansion of the system. A modification is not a repair.</u></p>	Improves clarity and consistency

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Revision	<p><b>"On-site sewage system" (OSS)</b> means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or <del>treatment sequence</del> <u>treatment component sequence</u>, and a soil dispersal component. An <del>on-site sewage system</del> <u>OSS</u> also refers to a holding tank sewage system or other system that does not have a soil dispersal component. <u>For purposes of this chapter, the term "on-site sewage system" does not include any system regulated by a water quality discharge permit issued under chapter 90.48 RCW.</u></p>	Improves clarity and consistency

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Addition	<p><u>“<b>Pump chamber</b>” means a watertight receptacle placed after a septic tank or other treatment facility that contains the required controls and alarms to convey sewage effluent to a dispersal component.</u></p>	<p>Improves clarity and consistency</p> <p>Incorporates draft rule language (Section -0023)</p>
Addition	<p><u>“<b>Remediation</b>” means any action, approved by the local health officer, to restore the function of an OSS dispersal component to non-failure status. Remediation is not a minor repair, repair, additive, or treatment or distribution technology that allows it to meet a specific treatment level.</u></p>	<p>Incorporates draft rule language (Section -0278)</p>

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Reason
Revision	<p><b>"Repair"</b> means the relocation, replacement or reconstruction of an <u>failed on-site sewage system OSS, or components thereof, that have failed or determined to be deficient in order to restore the system to a functioning state that protects public health.</u></p>	Improves clarity and consistency
Addition	<p><b>"Residential sewage"</b> means sewage having the constituency and <u>quality strength typical of sewage wastewater from domestic households a single family residence. To be considered single family residential septic tank effluent quality, the levels of CBOD<sub>5</sub>, TSS and O&amp;G must not exceed the following: CBOD<sub>5</sub> – 228 mg/L, TSS – 80 mg/L, and O&amp;G – 20 mg/L.</u></p>	Improves clarity and consistency  Incorporates draft rule language (Tables I, II, & III)

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Revision	<p><b>"Subsurface soil absorption system" (SSAS)</b> means a soil dispersal component of trenches or beds containing either a distribution pipe within a layer of drainrock covered with a geotextile, or an approved gravelless distribution technology, designed and installed in <u>suitable</u>, original, undisturbed, unsaturated soil providing at least minimal vertical separation as established in this chapter, with either gravity or pressure distribution of the treatment component effluent.</p>	Improves clarity and consistency
Addition	<p><b><u>"Treatment component sequence"</u></b> means any series of <u>treatment components that discharges treated sewage to the soil dispersal component.</u></p>	Improves clarity and consistency

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Revision	<p><b>"Treatment level"</b> means one of <u>the following six</u> levels (A, B, C, <u>DL1</u>, <u>DL2</u>, <u>DL3</u>, E, &amp; N) used in these rules to:</p> <p>(a) Identify treatment component performance demonstrated through requirements specified in WAC 246-272A-0110; and</p> <p>(b) Match site conditions of vertical separation and soil type with treatment components. <del>Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.</del></p>	Incorporates draft rule language (Table III)

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Deletion	<del>"Treatment sequence" means any series of treatment components that discharges treated sewage to the soil dispersal component.</del>	Improves clarity and consistency
Addition	<u>"Unknown system" means an OSS without a record of approval by the local health jurisdiction.</u>	Improves clarity and consistency (Section -0015)
Addition	<u>"Unpermitted sewage discharge" means the discharge of sewage or treated effluent associated with an OSS or other sewage disposal that began or was installed after 1974 without the approval of any local permitting authorities.</u>	Incorporates draft rule language (Section -0280)

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Addition	<p><b>"Usable land area"</b> means the minimum land area <u>required per development which is suitable for OSS. This area includes satisfactory soil conditions, vertical separation and horizontal separation(s). This area also includes an area free of all physical restrictions.</u></p>	Incorporates draft rule language (Section -0320)
Revision	<p><b>"Vertical separation"</b> means the depth of <u>suitable, <del>unsaturated</del>, original, undisturbed, <u>unsaturated</u></u> soil of soil types 1-6 between the bottom infiltrative surface of a soil dispersal component and the highest seasonal water table, a restrictive layer, or soil type 7 as illustrated below by the profile drawing of subsurface soil absorption systems:</p>	Improves clarity and consistency

# WAC 246-272A-0010

## Definitions

Change Type	Draft Change	Result
Addition	<p><u><b>“Water supply protection zone”</b> means the land area around each existing or proposed well site to protect it from contamination.</u></p>	Improves clarity and consistency (Section -0320)

# WAC 246-272A-0013

## Local Regulations

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Created new section</li><li>• Local Regulation separated from Local Management Plans and placed in new section.</li><li>• No verbiage changes.</li></ul>	Improves clarity and consistency

# WAC 246-272A-0015

## Local Management Plans

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"> <li>• Changed section title</li> <li>• Added specific requirements for all LHJs in the development of their LMPs.</li> <li>• Added requirement for LHJs to revisit plans every five years.</li> <li>• Added requirement for department to provide written guidance and to provide technical support to LHJs for development.</li> </ul>	<p>Changes requirement for non-Puget LHJ's LMPs to describe how LHJ will:</p> <ul style="list-style-type: none"> <li>• Inventory OSS</li> <li>• Identify sensitive areas where OSS may pose risk</li> <li>• Identify OSS O&amp;M requirements in sensitive areas</li> <li>• Educate OSS owners</li> <li>• Remind OSS owners to do maintenance</li> <li>• Maintain Records</li> <li>• Enforce OSS permit and O&amp;M requirements</li> <li>• Describe capacity of LHJ to fund activities in the plan</li> <li>• Coordinate plan with the comprehensive land use plan</li> <li>• Provide opportunity for public input into the plan</li> </ul>

WAC 246-272A-0015 Local management ~~plans and regulation~~.

(1) ~~By July 1, 2007, One year after the effective date of the rule,~~ the local health officers of each health jurisdiction ~~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~~;

Removed reference to Puget Counties, making requirements the same for all counties

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

(e) Remind and encourage ~~homeowners~~owners 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 to fill any funding gapsthe ability to find  
failing and unknown systems; and

(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) Submit ~~Supply~~ a copy of the plan for to the 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. Annual reports should include any of the following data elements, if

Added requirement to report LMP progress annually to the department

Added requirement that LMPs are updated every 5 years

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

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

~~\_(c) Implement the plan described in subsection (1) of this section.~~

(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.

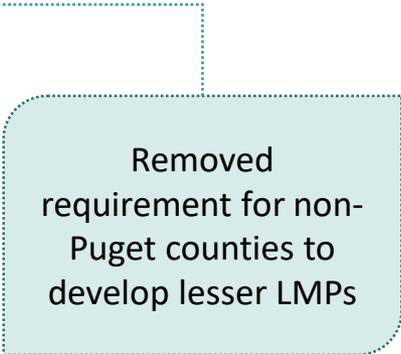
~~\_(4) For purposes of this chapter, the local health jurisdictions in marine counties are Clallam, Island, Kitsap, Jefferson, Mason, San Juan, Seattle-King, Skagit, Snohomish, Tacoma-Pierce, Thurston and Whatcom.~~

~~\_(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.~~



Removed  
requirement for non-  
Puget counties to  
develop lesser LMPs

~~\_(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~~

(4d) In order to implement the plan described in subsections (1) and (2) of this section, the local health officer shall require the owner of the OSS to:

Added requirement  
for LMP to require  
property transfer  
inspections

(a) Have an inspection, as defined by WAC 246-272A-0260, of the OSS at the time of property transfer by an inspector authorized by the local health officer. including the preparation of a "record drawing" if necessary. The local health officer may verify the results of the property transfer inspection for compliance with WAC 246-272A-0260. The local health officer may waive the requirement for a property transfer inspection if the OSS is in compliance with inspection requirements in WAC 246-272A-0270; or

(b) Have an inspection, as defined by WAC 246-272A-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 WAC 246-272A-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 WAC 246-272A-0270.

(85) ~~No later than July 1, 2006, t~~ 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.

~~(9) Until such time as the local board of health decides to adopt its own rules, the local health officer shall enforce this chapter. Local boards of health may adopt and enforce local rules and regulations governing on-site sewage systems when the local regulations are:~~

~~(a) Consistent with, and at least as stringent as, this chapter; and~~

~~(b) Approved by the department prior to the effective date of local regulations.~~

~~(10) A local board of health shall apply for departmental approval of local regulations by initiating the following procedure:~~

~~(a) The local board shall submit the proposed local regulations to the department.~~

~~(b) Within ninety days of receipt, the department shall:~~

~~(i) Approve the regulation in writing; or~~

# WAC 246-272A-0025

## Connection to public sewer system

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Clarified where to measure 200' from to determine if connection to sewer is required.</li><li>• Added new term: "Building Drain."</li></ul>	Improves clarity

# WAC 246-272A-0100

## Sewage Technologies

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Changed Recommended Standards &amp; Guidance (RS&amp;G) to Departmental Standards &amp; Guidance (DS&amp;G).</li><li>• Added provision that department may remove, restrict, or suspend a product's approval for failure to meet requirements of approval.</li><li>• Updated verbiage for clarity.</li></ul>	<p>Clarifies and enhances department's authority to address products that fail to meet requirements</p> <p>Improves clarity</p>

# WAC 246-272A-0110

## Proprietary treatment products – Certification and registration

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li><li>• Updated references to testing protocols.</li><li>• Added requirement that product manufacturers follow departmental field performance standards.</li></ul>	<p>Updates to current standards</p> <p><b>Adds field performance requirements for standalone disinfection products</b> (references requirement in -0120)</p>

# WAC 246-272A-0110

## Proprietary treatment products – Certification and registration

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Updated <i>Table I, Testing Requirements for Proprietary Treatment Products</i>, references to testing protocols and for clarity.</li><li>• Updated <i>Table II, Test Results Reporting Requirements for Proprietary Treatment Products and 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 E. coli, to update requirements for nitrogen reduction verification, and for clarity.</li><li>• Updated verbiage for clarity.</li></ul>	<p>References are to current protocols</p> <p><b>Allows disinfection products to be registered as stand alone treatment components</b></p> <p>Improves clarity</p>

TABLE III

Product Performance Requirements for Proprietary Treatment Products							
Treatment Component/Sequence Category	Product Performance Requirements						
<p>Category 1 Designed to treat sewage <del>with strength</del> typical of a residential source <del>with</del> when septic tank effluent <del>quality</del> parameters <del>is</del> anticipated to be equal to or less than treatment level E.</p>	Treatment System Performance Testing Levels						
	Level	Parameters					
		CBOD <sub>5</sub>	TSS	O&G	FC	TN	<u>E coli</u>
	A	10 mg/L	10 mg/L	—	200/100 ml	—	
	B	15 mg/L	15 mg/L	—	1,000/100 ml	—	
	C	25 mg/L	30 mg/L	—	50,000/100 ml	—	
	<u>DL1</u>				200/100 ml		126/100 ml
	<u>DL2</u>				1,000/100 ml		1,000/100 ml
	<u>DL3</u>				50,000/100 ml		50,000/100 ml
	<del>D</del>	<del>25 mg/L</del>	<del>30 mg/L</del>	—	—	—	
E	125-228 mg/L	80 mg/L	20 mg/L	—	—		
N	—	—	—	—	20-30 mg/L or 50% reduction based on mass loading as required in WAC 246-272A-0320		
<p>Values for Levels A - <del>C</del> are 30-day values (averages for CBOD<sub>5</sub>, TSS, and <del>geometric mean for FC</del>.) All 30-day averages throughout</p>							

Added disinfection levels (DLs) as performance requirement for standalone disinfection technology



Removed treatment level D



Updated treatment level N to match NSF standards



# WAC 246-272A-0120

## Proprietary treatment product registration— Process and requirements

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Updated verbiage for clarity and to match the department's current product registration practices.</li><li>• Updated references to testing protocols.</li><li>• Updated reference to fee WAC (WAC 246-272).</li></ul>	Improves clarity  References are correct and current

# WAC 246-272A-0120

## Proprietary treatment product registration— Process and requirements

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• 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.</li><li>• Added provision for department to require compliance plans for product manufacturers whose products have led to concerns of public health risks.</li><li>• Updated verbiage for clarity.</li></ul>	<p><b>Standalone disinfection product manufacturers required to verify product field performance</b></p> <p>Enhances department authority over product manufacturers</p> <p>Improves clarity</p>

(5) In order to renew a proprietary treatment product technology registration, a manufacturer shall:

(a) Apply for renewal of product registration using the form or in the format provided by the department;~~i-~~

(b) Submit any of the following the-reports from the testing entity, if applicable: results-of-retesting,

(i) ±If the product has completed retesting according to the protocol required for registration; and a report from the testing entity has been issued since initial registration or previous renewal. Renewal shall be based on the most recent test results.

(ii) To verify field performance as identified in DS&G. If field performance results demonstrate that the product has failed to meet the requirements in the performance DS&G the manufacturer shall report to the department describing the reasons for the failure to meet the requirements consistent with the DS&G;

(c) Provide an affidavit to the department verifying whether or not the product has changed over the previous year. If the product has changed, the affidavit must also include a

Field verification requirements to be described in DS&G

# WAC 246-272A-0130

## Bacterial reduction

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• 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).</li><li>• Removed obsolete verbiage referring to testing under previous versions of standards.</li><li>• 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.</li><li>• Updated verbiage for clarity.</li></ul>	<p><b>Allows disinfection products to be registered as stand alone treatment components using current standards</b></p> <p>References are correct and current</p> <p>Improves clarity</p>

(2) All test data submitted for product registration shall be produced by an ANSI accredited, third-party testing and certification organization whose accreditation is specific to on-site wastewater treatment products. Bacteriological reduction performance must be determined either:

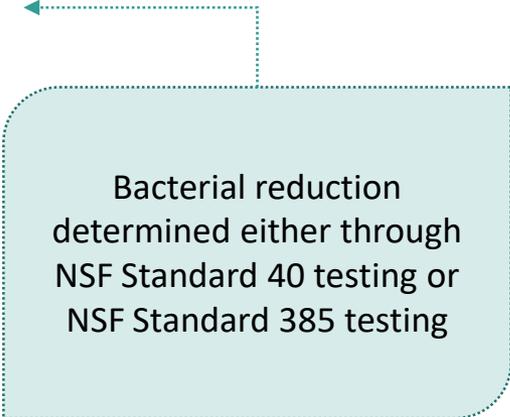
(a) According to the procedures in NSF/ANSI Standard 385 for supplemental bacteriological reduction; or

(b) ~~while the~~ During treatment product or treatment component sequence is tested according to the ANSI/NSF/ANSI Standard 40 testing protocol.

(3) During this testing under (a) or (b) of subsection (2) of this section the following requirements apply:

(a) Collect samples from both the influent and effluent streams, identifying the treatment performance achieved by the full treatment process (component or sequence);

(b) Obtain influent characteristics falling within a range of  $10^6 - 10^8$  fecal coliform/100 mL calculated as thirty-day geometric means during the test;;



Bacterial reduction determined either through NSF Standard 40 testing or NSF Standard 385 testing

# WAC 246-272A-0145

## Proprietary distribution product registration— Process and requirements

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Updated verbiage for clarity and to have distribution products' and treatment products' verbiage match, and to include the department's current product registration practices.</li><li>• Updated reference to fee WAC (WAC 246-272).</li><li>• Added provision for compliance plans for product manufacturers whose products have led to concerns of public health risks.</li><li>• Updated verbiage for clarity.</li></ul>	<p>Clarifies and simplifies product registration processes</p> <p>Enhances department authority over product manufacturers</p> <p>References are correct and current</p> <p>Improves clarity</p>

# WAC 246-272A-0200

## Permit requirements

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Clarified when permits are and aren't required through introduction and use of new term, "Minor Repair."</li><li>• Incorporated provisions from <i>WAC 332-130-145, Topographic elements on maps—Requirements</i> (DNR rule) into site plan requirements.</li><li>• Updated verbiage for clarity.</li></ul>	<p>Clarifies and adds specificity to repair permit minimum threshold</p> <p><b>Brings WAC 246-272A into agreement with recently revised WAC 332-130-145</b></p> <p>Improves clarity</p>

WAC 246-272A-0200 Permit requirements. (1) Except for a

minor repair as described in subsection (2) of this section,

~~Prior to beginning the construction process,~~ a person proposing

the installation, repair, modification, connection to, or

expansion of an OSS, shall ~~report the following and~~ obtain a

permit from the local health officer prior to beginning the

construction process. The permit application must include the

following:

(a) General information including:

(i) Name and address of the property owner and the applicant at the head of each page of submission;

(ii) Parcel number and if available, the address of the site;

(iii) Source of drinking water supply;

(iv) Identification if the property is within the boundaries of a recognized sewer utility;

(v) Size of the parcel;

Introduces “minor repair” as those actions that do not require a permit

(vi) Type of permit for which application is being made, for example, new installation, repair, expansion, modification, or operational;

(vii) Source of sewage, for example, residence, restaurant, or other type of business;

(viii) Location of utilities;

(ix) Name of the site evaluator;

~~(x) Name, signature and stamp of the designer;~~

(xi) Date of application; and

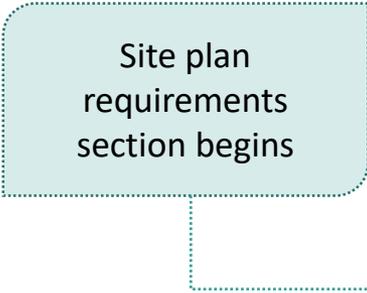
(xi~~i~~) Name and signature of the fee simple owner, the contract purchaser of the property or the owner's authorized agent.

(b) The soil and site evaluation as specified under WAC 246-272A-0220.

(c) A dimensioned site plan of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting design including:

(i) Designated areas for the proposed initial system and the reserve area;

Site plan requirements section begins



(ii) The location of all soil logs and other soil tests for the OSS;

(iii) General topography and/or slope;

(iv) Drainage characteristics;

(v) The location of existing and proposed encumbrances affecting system placement, including legal access documents if any component of the OSS is not on the lot where the sewage is generated; **and**

(vi) An arrow indicating north;

(vii) A legend of symbols used;

(viii) Plan scale and a graphic scale bar;

(ix) Vertical datum used (such as "assumed", "NAVD 88", "NSRS", "unknown");

(x) An elevation benchmark and relative elevations of system components;

(xi) Name, signature, stamp and contact information of the designer; and

(xii) A statement on limitation of use indicating the site plan is not a survey.

Provisions from WAC 332-130-145, Topographic elements on maps— Requirements (DNR rule)

reserve area if reserve site characteristics differ significantly from the initial area;

(ii) Vertical cross-section drawings showing:

(A) The depth of the soil dispersal component, the vertical separation, and depth of cover material; and

(B) Other new OSS components constructed at the site.

(iii) Calculations and assumptions supporting the proposed design, including:

(A) System operating capacity and design flow;

(B) Soil type; and

(C) Hydraulic loading rate in the soil dispersal component;

and

(e) Any additional information as deemed necessary by the local health officer.

(2) A permit is not required for a minor repair.

~~replacement, addition, or modification of broken or malfunctioning building sewers, risers and lids, sewage tank lids, sewage tank baffles, sewage tank pumps, pump control floats, pipes connecting multiple sewage tanks, and OSS inspection boxes and ports where a sewage tank, treatment~~

Minor repairs, now a defined term, do not require a permit

~~component, or soil dispersal component does not need to be replaced.~~ The local health officer may require the owner to submit information regarding these activities for recordkeeping purposes.

(3) The local health officer may develop the information required in subsection (1) of this section if authorized by local regulations.

(4) The local health officer shall:

(a) Respond to an application within thirty days as required in RCW 70.05.074~~;~~

(b) Permit only public domain technologies that have a ~~departmental RS&G DS&G~~. Permit only proprietary products that are registered by the department;~~;~~ ~~During the period of transition from the list of approved systems and products to the registered list, the local health officer may permit products on the list of approved systems and products.~~

(c) Issue a permit when the information submitted under subsection (1) of this section meets the requirements contained in this chapter and in local regulations;

# WAC 246-272A-0210

## Location

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Made several updates to <i>Table IV, Minimum Horizontal Separations</i> for clarity and to address emergent issues.</li><li>• Updated verbiage for clarity.</li></ul>	<p><b>Updates horizontal setback requirements, esp. to stormwater facilities</b></p> <p>Improves clarity</p>

Table IV

Minimum Horizontal Separations

Items Requiring Setback	From edge of soil dispersal component and reserve area	From sewage tank and distribution box	From building sewer, and <del>nonperforated</del> distribution pipe
Well <del>or suction line</del>	100 ft.	50 ft.	50 ft.
<del>Non-public drinking water well</del>	<u>100 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>
Public drinking water well	100 ft.	100 ft.	100 ft.
Public drinking water spring <del>or surface water</del> measured from the ordinary high-water mark <sup>1</sup>	200 ft.	200 ft.	100 ft.
<del>Non-public Spring or surface water used as drinking water spring or surface water source</del> measured from the ordinary high-water mark <sup>4</sup>	100 ft.	50 ft.	50 ft.
<del>Non-public, in-ground, drinking water containment vessel<sup>2</sup></del>	<u>20 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
Pressurized water supply line <del>or easement for water supply line</del>	10 ft.	10 ft.	10 ft.
<del>Closed geothermal loop<sup>3</sup></del>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
Decommissioned well (decommissioned in accordance with chapter 173-160 WAC)	10 ft.	N/A	N/A
Surface water measured from the ordinary high-water mark	100 ft.	50 ft.	10 ft.
Building foundation/in-ground swimming pool	10 ft.	5 ft.	2 ft.
Property or easement line	5 ft.	5 ft.	N/A
<del>Lined stormwater detention pond<sup>4</sup></del>			
<del>Down-gradient<sup>5</sup>:</del>	<u>30 ft.</u>	<u>N/A</u>	<u>N/A</u>
<del>Up-gradient<sup>5</sup>:</del>	<u>10 ft.</u>	<u>N/A</u>	<u>N/A</u>
<del>Unlined stormwater infiltration pond<sup>4</sup> (up or down-gradient)<sup>5</sup></del>	<u>100 ft.</u>	<u>50 ft.</u>	<u>10 ft.</u>
Irrigation canal or irrigation pond (up or down gradient) <sup>5</sup>	<u>100 ft.</u>	<u>50 ft.</u>	<u>10 ft.</u>
Interceptors/curtain drains/foundation drains/drainage ditches			
Down-gradient <sup>5</sup> :	30 ft.	5 ft.	N/A
Up-gradient <sup>5</sup> :	10 ft.	N/A	N/A
<del>Subsurface stormwater infiltration or dispersion component<sup>4</sup></del>			
<del>Down-gradient<sup>5</sup>:</del>	<u>10 ft.</u>	<u>10 ft.</u>	<u>N/A</u>

Deleted "suction line" from rule

Added new setbacks

Added setbacks to stormwater facilities

Items Requiring Setback	From edge of soil dispersal component and reserve area	From sewage tank and distribution box	From building sewer, and <u>nonperforated distribution pipe</u>
<u>Up-gradient<sup>5</sup>:</u>	<u>30 ft.</u>	<u>10 ft.</u>	<u>N/A</u>
Other site features that may allow effluent to surface			
Down-gradient <sup>52</sup> :	30 ft.	5 ft.	N/A
Up-gradient <sup>53</sup> :	10 ft.	N/A	N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A
Other adjacent soil dispersal components/ <u>subsurface-stormwater infiltration-systems</u>	10 ft.	N/A	N/A

<sup>1</sup> If surface water is used as a public drinking water supply, the designer shall locate the OSS outside of the required source water protection area.

<sup>2</sup> Any in-ground containment vessel used to store drinking water.

<sup>3</sup> A network of underground piping carrying fluid under pressure used to heat and cool a structure.

<sup>4</sup> OSS components take precedence in cases of horizontal setback conflicts between OSS and stormwater components.

<sup>53</sup> The item is 4Down-gradient means that subsurface water flows toward and is usually located lower in elevation. when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer. Up-gradient means subsurface water does not flow toward, or flows away from, and is usually located higher in elevation.

# WAC 246-272A-0220

## Soil and site evaluation

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Added “Drainage Areas,” a new term, to the list of site features that must be reported on the site and soil report.</li><li>• Updated <i>Table V, Soil Type Descriptions</i>, for clarity.</li><li>• Updated verbiage for clarity.</li></ul>	Improves clarity

# WAC 246-272A-0230

## Design requirements -General

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>Updated <i>Table VI, Treatment Component Performance Levels and Method of Distribution</i>, to incorporate results of a literature review, to incorporate changes made to treatment standards (separating disinfection levels from other treatment levels), and for consistency throughout Table VI and with Table IX.</li><li>Updated verbiage for clarity.</li></ul>	<p>Increases consistency of requirements</p> <p>Incorporates revisions in other sections</p> <p>Improves clarity</p>

TABLE VI

Treatment Component Performance Levels  
and Method of Distribution<sup>1</sup>

Vertical Separation in inches	Soil Type		
	1	2	3-6
12 < 18	A & DL1 - pressure with timed dosing	B & DL2 - pressure with timed dosing	B & DL2 - pressure with timed dosing
≥18 < 24	B & DL2 - pressure with timed dosing	BC & DL3 - pressure with timed dosing	BC & DL3 - pressure with timed dosing
≥24 < 36	B & DL2 - pressure with timed dosing	C & DL3 - pressure with timed dosing	E - pressure with timed dosing
≥36 < 60	B & DL2 - pressure with timed dosing	E - pressure	E - gravity
≥60	C & DL2 - pressure	E - gravity	E - gravity

Treatment level requirements revised due to result of literature review and for consistency throughout Table VI and with Table IX

Incorporates changes to treatment levels

<sup>1</sup>The treatment component performance levels correspond with those established for treatment components under the product testing requirements in WAC 246-272A-0110.

# WAC 246-272A-0232

## Design requirements—Septic tank sizing

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>Changed minimum septic tank size from 900 gallons to 1000 gallons.</li></ul>	Septic tanks are required to be 1000 gallons minimum

# WAC 246-272A-0233

## Design requirements—Pump chamber sizing

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Added new section.</li><li>• Defined requirements for pump chamber sizing.</li><li>• Defined “Pump Basin.”</li></ul>	Clarifies pump chamber sizing

# WAC 246-272A-0234

## Design requirements—Soil dispersal components

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• 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.</li><li>• Updated verbiage for clarity.</li></ul>	<p><b>Allows smaller drainfields with higher quality effluent</b></p> <p>Simplifies, clarifies, and consolidates reductions to drainfields</p> <p>Improves clarity</p>

TABLE VIII

Maximum Hydraulic Loading Rate

		<u>Column A</u>	<u>Column B</u>
<b>Soil Type</b>	<b>Soil Textural Classification Description</b>	<b>Loading Rate for Residential <u>Septic Tank</u> Effluent Using Gravity or Pressure Distribution gal./sq. ft./day</b>	<b><u>Loading Rate for Residential Effluent Meeting Treatment Level C &amp; DL3 or Higher Effluent Quality Using Gravity or Pressure Distribution gal./sq. ft./day</u></b>
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding <u>those with</u> soil types 5 & 6 <u>as the non-gravel portion</u> , and all soil types with greater than or equal to 90% rock fragments.	1.0	<u>1.2</u>
2	Coarse sands.	1.0	<u>1.2</u>
3	Medium sands, loamy coarse sands, loamy medium sands.	0.8	<u>1.0</u>
4	Fine sands, loamy fine sands, sandy loams, loams.	0.6	<u>0.8</u>
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate structure or strong structure (excluding a platy structure).	0.4	<u>0.6</u>
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	0.2	<u>0.2</u>
7	Sandy clay, clay, silty clay and strongly cemented firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.	Not suitable	<u>Not suitable</u>

←

Added new column for allowing higher hydraulic loading rates (e.g. smaller drainfields) with higher quality effluent

# WAC 246-272A-0260

## Inspection

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Added provisions from Substitute Senate Bill 5503 (2019) that:<ul style="list-style-type: none"><li>• Require Local Health Officer (LHO) or a certified professional inspector to coordinate and obtain permission from owner before conducting an inspection; and</li><li>• 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.</li></ul></li></ul>	<p>Brings WAC 246-272A into compliance with SSB 5503</p> <p>Adds requirement that LHJs and private inspectors get permission before inspections</p> <p>Prohibits LHO's from requiring easements as a permit condition for inspection or maintenance for OSS that are on the same property that they serve</p>

# WAC 246-272A-0260

## Inspection

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>Defined minimum procedures for property transfer inspections and required routine OSS evaluations.</li></ul>	Creates specific minimum inspection procedure elements

**WAC 246-272A-0260 Inspection.** (1) For all activities requiring a permit, the local health officer shall:

(a) Visit the OSS site during the site evaluation, construction, or final construction inspection;

(b) Either inspect the OSS before cover or allow the designer of the OSS to perform the inspection before cover if the designer is not also named as installer of the system; ~~and~~

(c) Keep the record drawings on file, with the approved design documents.

(2) Prior to any inspection, the local health officer or certified professional inspector shall coordinate and obtain authorization from the OSS owner. In cases when an OSS owner did not authorize access, the local health officer is allowed to follow the administrative search warrant procedures in RCW 70.118.030.

(3) For any OSS located on a single property serving one dwelling unit on the same property, the local health officer shall not require a property owner to grant inspection and maintenance easements as a condition of permit issuance.

Incorporates requirements of  
2019 SSB 5503

(42) During The person responsible for the final construction inspection, shall assure the local health officer or the designer of the OSS must confirm the OSS meets the approved design.

(5) A routine evaluation that satisfies the OSS owner's responsibility as required in WAC 246-272A-0270(1) (e) or property transfer inspection as required in WAC 246-272A-0270(1) (k) shall, at a minimum:

(a) Inspect and evaluate the status of all sewage tanks including baffles, tank contents (water level, scum, sludge, and solids), water tightness, venting, and general structural condition;

(b) Inspect and evaluate the status of all lids, accesses, and risers;

(c) Inspect and evaluate the OSS and reserve area for any indicators of system failure or conditions that may impact system function, operation or repair;

(d) Inspect and evaluate any other components (such as distribution boxes) that are accessible;

Defines minimum inspection procedure elements

(e) Review the record drawing and related documents, if they exist, including previous reports to ensure the system is operating as designed; and

(f) Include an evaluation of any proprietary products following the procedures in the O&M section of the accepted operations manual (or equivalent document) associated with those products.

(6) Evidence of a routine evaluation as required in WAC 246-272A-0270(1)(e) or property transfer inspection as required in WAC 246-272A-0270(1)(k) shall be documented in a report, including at a minimum:

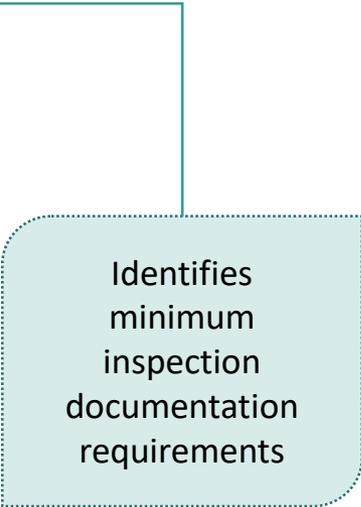
(a) All applicable information from subsection (5) of this section;

(b) The address of the property served by the OSS;

(c) The date of the inspection;

(d) The permitted type and design flow for known OSS; and

(e) Verification that the record drawing is accurate, if it exists, or provide an OSS site plan showing the location of all system components relative to structures and prominent site features.



Identifies  
minimum  
inspection  
documentation  
requirements

# WAC 246-272A-0270

## Operation, monitoring, and maintenance- Owner Responsibilities

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Added requirement for owner to get approval from Local Health Officer to begin use of an OSS.</li><li>• Added requirement for owner to obtain an inspection of OSS preceding property transfer.</li><li>• Updated verbiage for clarity and consistency.</li></ul>	<p>Clarifies that LHJ must grant approval to begin use of an OSS</p> <p><b>Adds requirement that all OSS are inspected preceding a property transfer</b></p> <p>Increases clarity</p>

WAC 246-272A-0270 Operation, monitoring, and maintenance—  
Owner responsibilities. (1) The OSS owner is responsible for  
operating, monitoring, and maintaining the OSS to minimize the  
risk of failure, and to accomplish this purpose, shall:

(a) Request assistance from the local health officer upon  
occurrence of a system failure or suspected system failure;

(b) Obtain approval from the local health officer before:

(i) Repairing, altering or expanding an OSS as required by  
WAC 246-272A-0200; or

(ii) Beginning use of any newly constructed OSS;

~~(c)~~ Secure and renew contracts for periodic maintenance  
~~where~~ if required by the local health jurisdiction;

~~(d)~~ Obtain and renew operation permits if required by the  
local health jurisdiction;

~~(e)~~ Obtain an inspection, as required in WAC 246-272A-  
0260, by an inspector authorized the local health officer, of  
all OSS Assure a complete evaluation of the system components  
and ~~or~~ property to determine functionality, maintenance needs  
and compliance with regulations and any permits:

- (i) At least once every three years for all ~~OSS systems~~ consisting solely of a septic tank and gravity SSAS;
- (ii) Annually for all other systems unless more frequent inspections are specified by the local health officer;
- ~~(fe)~~ Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;
- ~~(gf)~~ Provide maintenance and needed repairs to promptly return the system to a proper operating condition;
- ~~(hg)~~ Protect the OSS area and the reserve area from:
  - (i) Cover by structures or impervious material;
  - (ii) Surface drainage, and direct drains, such as footing or roof drains. The drainage must be directed away from the area where the OSS is located;
  - (iii) Soil compaction, for example by vehicular traffic or livestock; and
  - (iv) Damage by soil removal and grade alteration;
- ~~(ih)~~ Keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;

~~(j)~~ Operate and maintain systems as directed by the local health officer;

~~(j) Request assistance from the local health officer upon occurrence of a system failure or suspected system failure; and~~

(k) At the time of property transfer: r

(i) pProvide to the buyer, all available maintenance and repair records, ~~if available,~~ in addition to the completed seller disclosure statement in accordance with chapter 64.06 RCW for residential real property transfers; r

(ii) Obtain an inspection, as required in WAC 246-272A-0260, by an inspector authorized by the local health officer. The local health officer may verify the results of the property inspection for compliance with WAC 246-272A-0260. The local health officer may waive the requirement for a property transfer inspection if the OSS is in compliance with the inspection requirements of this section; and

(iii) Obtain an inspection, as required in WAC 246-272A-0260, of proprietary treatment products by an inspector approved by the local health officer per the product manufacturer recommendations. The local health officer may waive the

Requires owner to get OSS inspected, per procedure in -0260, before property transfer

requirement for a property transfer inspection if the OSS is in compliance with the inspection requirements of this section.

(2) Persons shall not:

(a) Use or introduce strong bases, acids or chlorinated organic solvents into an OSS for the purpose of system cleaning;

(b) Use a sewage system additive unless it is specifically approved by the department; ~~or~~

(c) Use an OSS to dispose of waste components atypical of sewage from a residential source; or

(d) Use any remediation process or activity unless approved by the local health officer.

[Statutory Authority: RCW 43.20.050. WSR 05-15-119, § 246-272A-0270, filed 7/18/05, effective 7/1/07.]

Allows owner to use remediation approved by LHJ

# WAC 246-272A-0278

## Remediation

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Added new section.</li><li>• Added requirement for Local Health Officer to develop a remediation policy.</li><li>• Added minimum requirements for remediation.</li><li>• Added requirement for department to maintain a guidance document on remediation.</li></ul>	<p><b>Adds requirement that LHOs develop remediation policies that allow/disallow certain remediation techniques</b></p> <p>Creates specific minimum remediation requirements</p>

Establishes remediation minimum standards and directs LHO to develop a full policy

WAC 246-272A-0278 Remediation. (1) The local health

officer:

(a) Shall establish a remediation policy; and

(b) May establish programs and requirements for approving

and reviewing remediation activities.

(2) Remediation must not:

(a) Result in damage to the OSS;

(b) Result in insufficient soil treatment in the zone

between the soil dispersal component and the highest seasonal

water table, restrictive layer, or soil type 7; or

(c) Disturb the soil in or below the dispersal component if

the vertical separation requirements of WAC 246-272A-0230 are

not met.

(3) The department will maintain a DS&G for remediation.

# WAC 246-272A-0280

## Repairs of malfunctions and failures

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Modified section heading</li><li>• Added option of remediating OSS failure, if approved by Local Health Officer.</li><li>• Added provisions from Substitute Senate Bill 5503 (2019) that require:<ul style="list-style-type: none"><li>• Priority be given to allowing a repair or replacement of an OSS consisting of only tank and drainfield.</li><li>• Allowing repairs using the least expensive alternative that meets standards.</li></ul></li></ul>	<p><b>Allows remediation of failed OSS</b></p> <p>Brings WAC 246-272A into compliance with SSB 5503</p> <p><b>Tank and drainfield (conventional) OSS must be allowed to be repaired/replaced with conventional OSS if that meets current requirements of WAC 246-272A</b></p> <p><b>OSS must be allowed to be repaired with least expensive alternative that complies with WAC 246-272A</b></p>

# WAC 246-272A-0280

## Repairs of malfunctions and failures

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Added procedure for discovery of an unpermitted sewage discharge.</li><li>• 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.</li><li>• Updated verbiage for clarity and consistency.</li></ul>	<p><b>LHJs are required to order any known unpermitted sewage discharges to stop use and apply for a permit</b></p> <p><b>Table IX is updated to incorporate changes to Table II and Table III and to correct inconsistencies</b></p> <p>Increases clarity</p>

WAC 246-272A-0280 Repairs of malfunctions and failures.

(1) When an OSS failure or malfunction occurs, the OSS owner shall either:

(a) Remediate the OSS in conformance with WAC 246-272A-0278; or |

(b) Repair or replace the OSS with a conforming system-OSS or component in full compliance with new construction requirements under this chapter, or an OSS-system meeting the requirements of WAC 246-272A-0280(6) Table IX either on the:

(i) Property served; or

(ii) Nearby or adjacent property if easements or restrictive covenants are obtained; or

(c) Connect the residence or facility to a:

(i) Publicly owned LOSS;

(ii) Privately owned LOSS where it is deemed economically feasible; or

(iii) Public sewer; or

(d) Perform one of the following when the requirements in

(a), and (b), or (c) of this subsection are not feasible:

(i) Use a holding tank; or

Allows use of remediation approved by LHJ for failures

(ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington state department of ecology issued to a public entity or jointly to a public entity and the ~~system-OSS~~ owner only when the local health officer determines:

(A) An OSS is not feasible; and

(B) The only realistic method of final dispersal of treated effluent is discharge to the surface of the land or into surface water; or

(iii) Discontinue use of the OSS and cease all sewage generating activities on ~~Abandon~~ the property.

(2) The local health officer shall:

(a) Give first priority to allow the repair and second priority to allow the replacement of an existing permitted OSS, consisting solely of a septic tank and drainfield, with a similar OSS consisting solely of a septic tank and drainfield, if the repair or replacement will result in a conforming system in full compliance with new construction requirements under this chapter; and

Incorporates requirements of 2019 SSB 5503



Incorporates requirements  
of 2019 SSB 5503

(b) Allow repairs using the least expensive alternative that will result in a conforming system in full compliance with new construction requirements under this chapter.

(3) Upon discovering an unpermitted sewage discharge the local health officer shall:

(a) Notify the owner of the property and order an immediate stop to the unpermitted discharge;

(b) Require the owner to develop and submit an application as required under WAC 246-272A-0200;

(c) Require the installation of a conforming OSS in full compliance with new construction requirements under this chapter;

(d) Not permit the installation of an OSS meeting the requirements of Table IX; and

(e) Notify the department's shellfish program, if adjacent to marine waters.

Adds  
procedure and  
requirements  
for  
"unpermitted  
sewage  
discharges", a  
newly defined  
term

(42) Prior to repairing the soil dispersal component, the OSS owner shall develop and submit information required under WAC 246-272A-0200-~~(1)~~.

(53) The local health officer shall permit an OSS-system that meets the requirements of Table IX only if the following are not feasible:

(a) Installation of a conforming OSS-system or component;  
and

(b) Connection to either an approved LOSS or a public sewer.

(64) The person responsible for the design shall locate and design repairs to:

(a) Meet the requirements of Table IX if the effluent treatment and soil dispersal component to be repaired or replaced is closer to any surface water, well, or spring than prescribed by the minimum separation required in Table IV of WAC 246-272A-0210(1). Pressure distribution with timed dosing in the soil dispersal component is required in all cases where a conforming OSS system is not feasible.

TABLE IX

Treatment Component Performance Levels for Repair of OSS Not Meeting

Vertical and Horizontal Separations<sup>1</sup>

Vertical Separation (in inches)	Horizontal Separation <sup>2</sup>											
	< <del>30</del> <sup>25</sup> feet			25 ≥ <del>30</del> < 50 feet			≥ 50 < 100 feet <sup>3</sup>			≥ 100 feet		
	Soil Type			Soil Type			Soil Type			Soil Type		
	1	2	3-6	1	2	3-6	1	2	3-6	1	2	3-6
< 12	A & DL1	A & DL1	A & DL1	A & DL1	A & DL1	A & DL1	A & DL1	A & DL1	B & DL2	B & DL2	B & DL2	B & DL2
≥ 12 < 18	A & DL1	A & DL1	A & DL1	A & DL1	B & DL2	B & DL2	A & DL1	B & DL2	B & DL2	Conforming		
≥ 18 < 24	A & DL1	A & DL1	A & DL1	A & DL1	B & DL2	B & DL2	A & DL1	B & DL2	C B & DL2			
≥ 24 < 36	A & DL1	B & DL2	B & DL2	B & DL2	C B & DL2	C B & DL2	B & DL2	C B & DL2	C & DL3	Systems OSS		
≥ 36	A & DL1	B & DL2	B & DL2	B & DL2	C & DL3	C & DL3	B & DL2	C & DL3	EC & DL3			

<sup>1</sup>The treatment component performance levels correspond with those established for treatment components under the product performance testing requirements in Table III of WAC 246-272A-0110.

<sup>2</sup>The horizontal separation indicated in Table IX is the distance between the soil dispersal component and the surface water, well, or spring. If the soil dispersal component is up-gradient of a surface water, well, or spring to be used as a potable water source, or beach where shellfish are harvested, the next higher treatment level shall apply unless treatment level A is already required.

<sup>3</sup>On a site where there is a horizontal setback of 75 - 100 feet between an OSS dispersal component and an individual water well, individual spring, ~~nonmarine~~ surface water or surface water that is not a public water source and a vertical separation of greater than twelve inches, a conforming ~~OSS system that~~ <sup>OSS</sup> complies with WAC 246-272A-0210(4) shall be installed if feasible.

Closest horizontal distance category increased by 5 feet

Incorporates changes to treatment levels

Required treatment level increased to match requirements in -0230

- (b) Protect drinking water sources and shellfish harvesting areas;
- (c) Minimize nitrogen discharge in areas where nitrogen has been identified as a contaminant of concern in the local plan under WAC 246-272A-0015;

# WAC 246-272A-0300

## Abandonment

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Clarified that tanks and other sewage containers can be removed or abandoned in place.</li><li>• Clarified process.</li></ul>	Increases clarity

# WAC 246-272A-0320

## Developments, subdivisions, and minimum land area requirements

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• 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.</li><li>• Changed title of Table X.</li><li>• Added “Minimum Usable Land Area” requirement to Table X. This is a new requirement.</li></ul>	<p><b>Minimum lot sizes for new developments with public water supplies increased by 500 – 1000 sq. ft., depending on soil type</b></p> <p><b>Minimum usable land area required for new developments</b></p>

# WAC 246-272A-0320

## Developments, subdivisions, and minimum land area requirements

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Removed reference to Method I and Method II.</li><li>• Developed new methodology and new Table XI for developments that do not meet Table X's requirement.</li><li>• Updated verbiage for clarity and consistency.</li></ul>	<p><b>Table XI provides methodology for developments on smaller lots that do not meet Table X minimums. This allows small lots to be developed without waivers.</b></p> <p>Increases clarity</p>

WAC 246-272A-0320 Developments, subdivisions, and minimum

land area requirements. (1) A person proposing a subdivision where the use of OSS is planned shall obtain a recommendation for approval from the local health officer as required by RCW 58.17.150.

(2) The local health officer shall require the following prior to approving any development:

Sections (2)(a) – (2)(d) skipped for brevity

[...]

(ed) Determination of the minimum lot size or minimum land area required for the development using ~~Method I and/or Method II Table X, or the alternative methodology in subsection (5) of this section.~~

~~METHOD I.~~

(4) ~~Table X, Single-Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage,~~ shows the minimum lot size required per single-family residence. For developments other than single-family residences, the minimum land areas shown are required for each unit volume of sewage.

Reference to Method I and Method II removed and Table X and (5) referenced as lot size and minimum land area requirements sections

However, the local health officer may require larger lot sizes where the local health officer has identified either nitrogen or phosphorus as a contaminant of concern either through planning activities described in WAC 246-272A-0015 or another process.

TABLE X

Minimum Land Area Requirement For Each

Single-Family Residence or Unit Volume of Sewage

Type of Water Supply	Soil Type (defined by WAC 246-272A-0220)					
	1	2	3	4	5	6
Public	0.5 acre 22,000 sq. ft.	12,500 13,000	15,000 16,000	18,000 19,000	20,000 21,000	22,000 23,000 sq. ft.
	2.5 acres <sup>1</sup>	sq. ft.				
Individual Non-public, on each lot	1.0 acre	1.0 acre	1.0 acre	1.0 acre	2.0 acres	2.0 acres
	2.5 acres <sup>1</sup>					
<u>Minimum Usable Land Area</u>	2,000 sq. ft.	2,000 sq. ft.	2,500 sq. ft.	3,333 sq. ft.	5,000 sq. ft.	10,000 sq. ft.

<sup>1</sup> OSS consisting solely of a septic tank and gravity SSAS must have a minimum land area of 2.5 acres per See WAC 246-272A-0234(6).

Minimum land area (lot size) requirements for developments with public water supplies increased by 500 – 1000 sq. ft., depending on soil type

Adds minimum usable land area (a new term) requirement

~~METHOD II. A minimum land area proposal using Method II is acceptable only when the applicant:~~

~~(i) Justifies the proposal through a written analysis of the:~~

~~(A) Soil type and depth;~~

~~(B) Area drainage, and/or lot drainage;~~

Method II section removed

Method II sections skipped for brevity

[...]

~~(iv) Minimize public health effects from the accumulation of contaminants in surface and groundwater.~~

(5) The local health officer shall require all proposals that do not meet the minimum land area requirements in Table X to demonstrate that the proposed development:

(a) Will minimize impacts to public health or surface water or groundwater quality;

(b) Has given appropriate consideration to:

(i) Topography, geology, and ground cover;

(ii) Climatic conditions;

(iii) Availability of public sewers; and

(iv) Present and anticipated land use and growth patterns;

and

(c) Will be in compliance with current planning and zoning requirements; and

(d) Will not exceed the nitrogen limit per land area as identified in Table XI.

Adds procedure for proposals that do not meet Table X's requirements

Table XI

Maximum Allowable Total Nitrogen (TN) Load

Per Day by Type of Water Supply, Soil Type, and Land Area<sup>1</sup>

Water Supply Type	Maximum Daily TN Load	Soil Type <sup>2</sup>					
		1	2	3	4	5	6
Public	mg per sq. ft.	3.7	6.3	5.1	4.3	3.9	3.6
	lb per acre	0.36	0.60	0.49	0.41	0.37	0.34
Non-public on each lot	mg per sq. ft.	1.9	1.9	1.9	1.9	0.9	0.9
	lb per acre	0.18	0.18	0.18	0.18	0.09	0.09

<sup>1</sup> Based on 60 mg/L TN and 360 gal/day OSS effluent.

<sup>2</sup> As defined in Table V, WAC 246-272A-0220

Adds nitrogen-based minimum size determination procedure for proposals that do not meet Table X's requirements

(63) The department shall develop guidelines for the application of the alternative method in subsection 5 of this section Method II by the effective date of the rule~~(insert date one year from the effective date)~~.

(74) The local health officer shall require lot areas of thirteentwelve thousand five hundred square feet or larger except when a person proposes:

(a) OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or

(b) A planned unit development with +

~~(i)~~ A a signed, notarized, and recorded deed covenant restricting any ~~d~~evelopment of lots or parcels above the

approved density with the overall density meeting the minimum land area requirements of subsection (4) or (5) (2)(d) of this section lasting until the OSS is no longer needed as noted in WAC 246-272A-0200(6).

~~(ii) A public entity responsible for operation and maintenance of the OSS, or a single individual owning the OSS;~~

~~(iii) Management requirements under chapter 246-272B WAC when installing a LOSS; and~~

~~(iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.~~

(85) The local health officer may:

~~(a) Allow inclusion of the area to the centerline of a road or street right of way in a Method II determination under subsection (2)(d) of this section to be included in the minimum land area calculation if:~~

~~(i) The dedicated road or street right of ways are along the perimeter of the development;~~

~~(ii) The road or street right of ways are dedicated as part of the proposed development; and~~

~~(iii) Lots are at least twelve thousand five hundred square feet in size.~~

(ab) Require detailed plot plans and OSS designs prior to final approval of subdivision proposals;

(be) Require larger land areas or lot sizes to achieve public health protection;

(cd) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed OSS design does not protect public health by meeting requirements of these regulations; and

(de) Permit the installation of an OSS, where the minimum land area requirements or lot sizes cannot be met, only when all of the following criteria are met:

(i) The lot is registered as a legal lot of record created prior to the effective date of this chapter;

(ii) The lot is outside an area identified by the local plan developed under WAC 246-272A-0015 where minimum land area has been listed as a design parameter necessary for public health protection; and

(iii) The proposed OSS system meets all requirements of these regulations, other than minimum land area, without the use of waivers from this chapter.

(96) The use of a reduced-sized dispersal component SSAS does not provide for a reduction in the minimum land area requirements established in this section. Site development incorporating reduced-sized dispersal component SSAS must meet the minimum land area requirements established in state and local codes.

[Statutory Authority: RCW 43.20.050. WSR 05-15-119, § 246-272A-0320, filed 7/18/05, effective 7/1/07.]



Incorporates the department's opinion on the Supreme Court decision in *Griffin v. Thurston County*.

# WAC 246-272A-0340

## Certification of installers, pumpers, and maintenance service providers

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Updated verbiage for clarity and consistency with remainder of rule.</li><li>• 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.</li><li>• Added authorization for LHO to establish certification process for owners to inspect their OSS (for clarity).</li></ul>	<p><b>LHJs must establish a maintenance service provider approval procedure</b></p> <p>Clarifies that LHJ may establish owner inspection program</p> <p>Increases clarity</p>

# WAC 246-272A-0400

## Technical advisory group

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Changed title of section.</li><li>• Added requirement that Technical Advisory Group (TAG) members are selected for three-year terms.</li><li>• Added professions to the list of potential TAG members.</li><li>• Updated verbiage for clarity and consistency with remainder of rule.</li></ul>	<p>TAG members will serve three-year terms</p> <p>More professions will be considered as potential TAG members</p> <p>Increases clarity</p>

# WAC 246-272A-0410

## Policy advisory group

### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Changed title of section.</li><li>• Added requirement that Policy Advisory Group (PAG) members are selected for three-year terms.</li><li>• Updated verbiage for clarity and consistency with remainder of rule.</li></ul>	<p>PAG members will serve three-year terms</p> <p>Increases clarity</p>

# WAC 246-272A-0420

## Waiver of state regulations

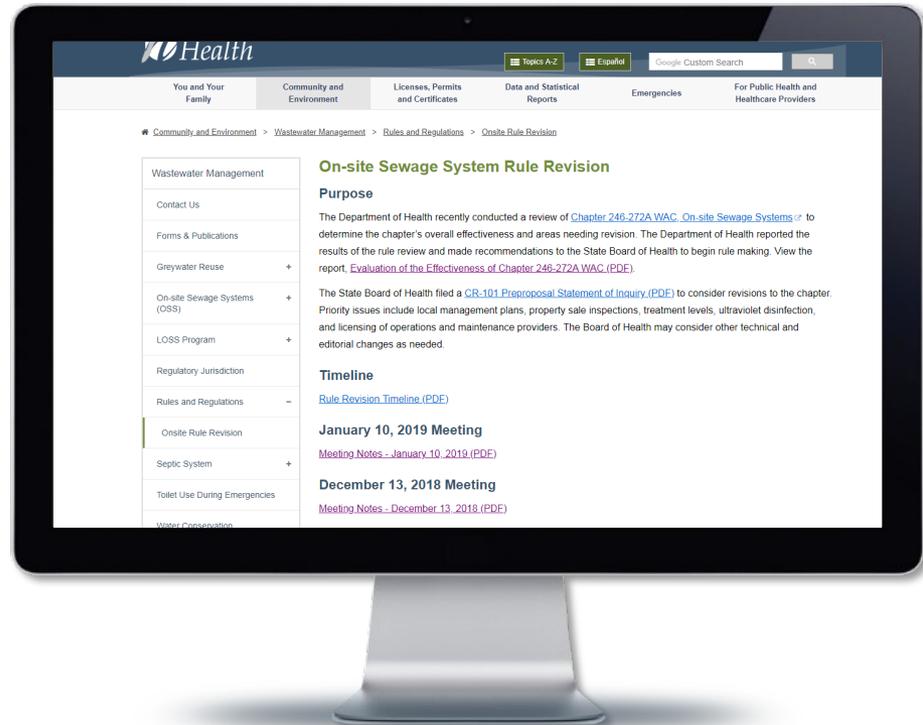
### Summary of Changes

Draft Change	Result
<ul style="list-style-type: none"><li>• Added requirement that department publish an annual report summarizing waivers issued over the previous year.</li><li>• Updated verbiage for clarity and consistency with remainder of rule.</li></ul>	<p>Department required to publish an annual report summarizing the previous year's waivers</p> <p>Increases clarity</p>

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