



UPDATE TO CHAPTER 246-272A WAC  
SORA NOWRA Mega-Conference  
October 2024



# Presenter

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# Presentation Overview

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- Rule Scope
- Rule Revision
- Key Changes
- Cost Benefit Analysis
- Implementation Schedule



The materials presented here represent the position of WADOH and DO NOT reflect the opinions of NOWRA



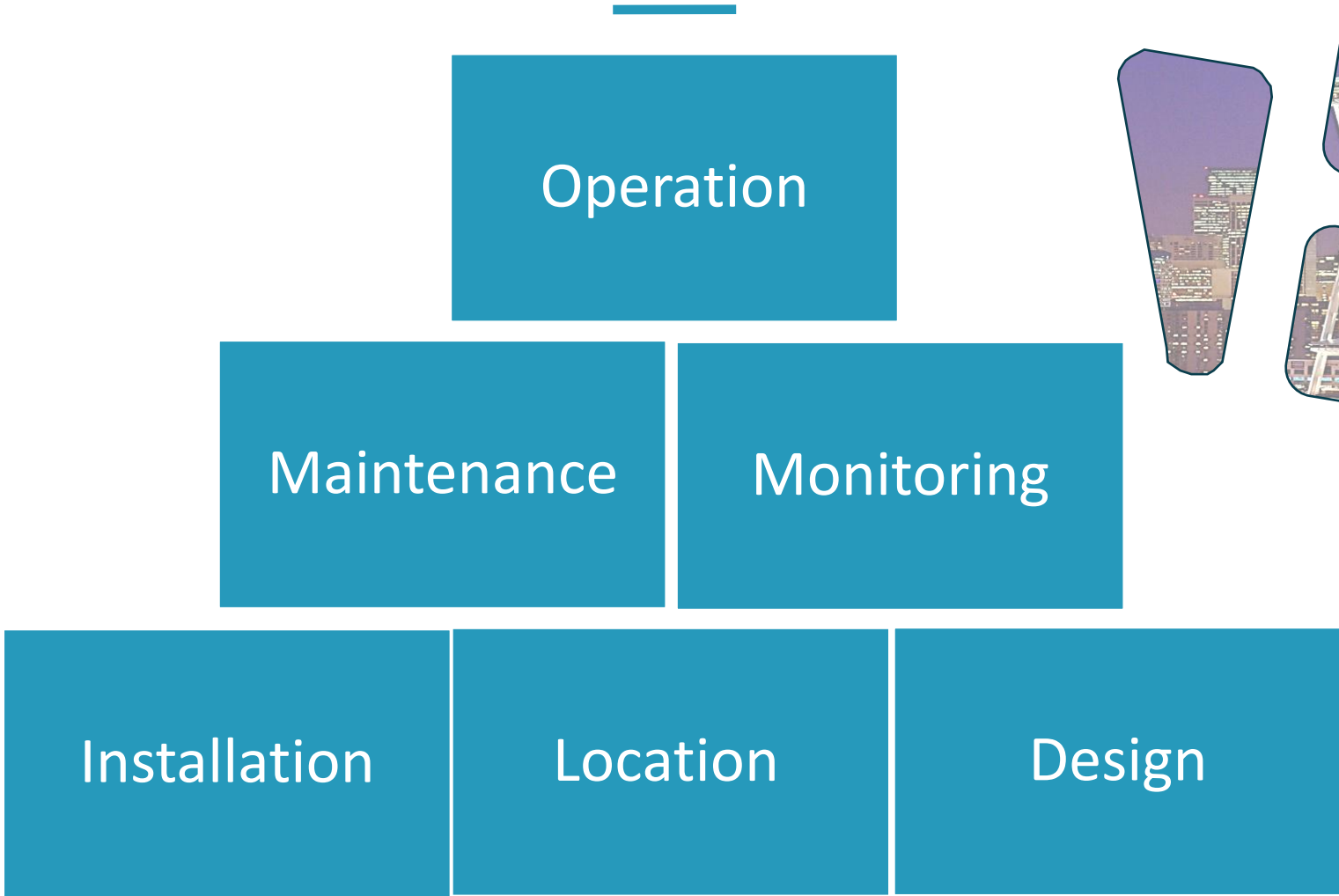
# Acronyms

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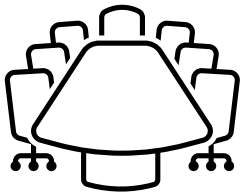
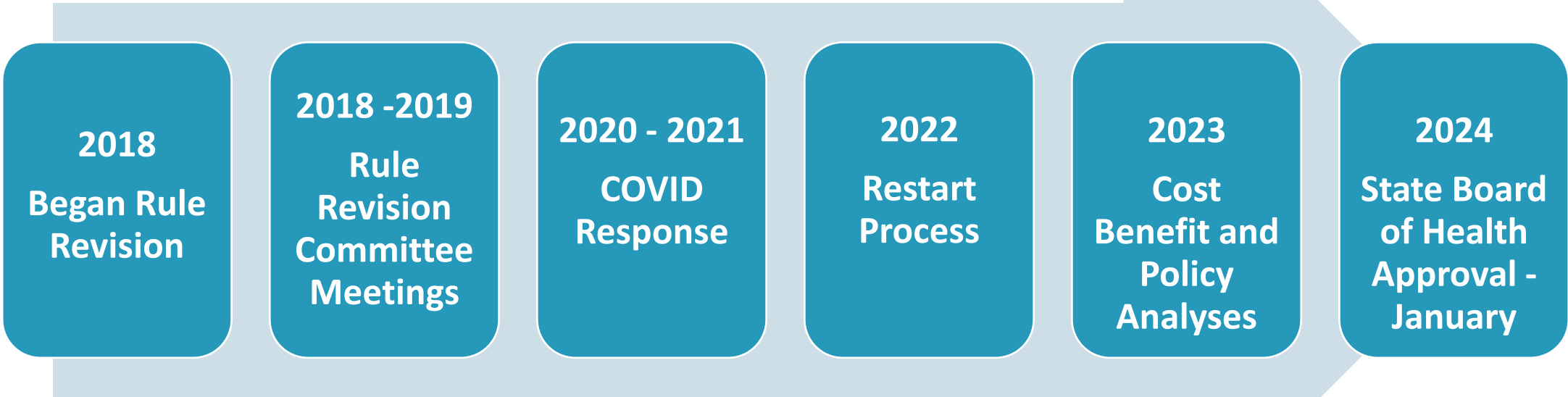
- DOH = Department of Health
- LHJ = Local Health Jurisdiction
- LHO = Local Health Officer
- OSS = On-site Sewage System
- SBOH = State Board of Health



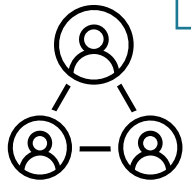
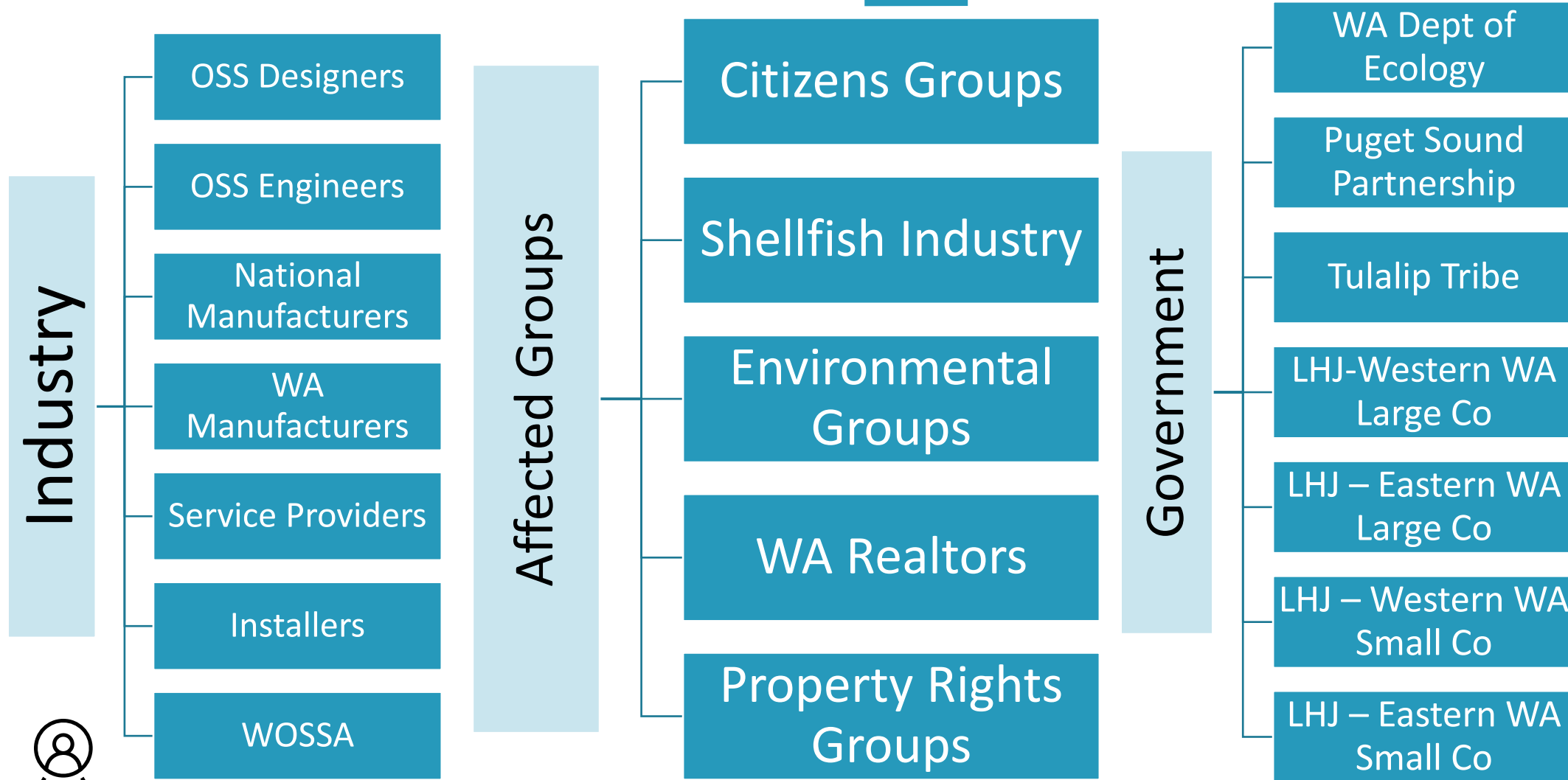
# Chapter 246-272A WAC Regulates On-site Sewage Systems



# Rule Revision Process

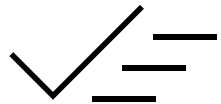


# Who was on the Revision Committee?



# Key Changes in Draft Rule

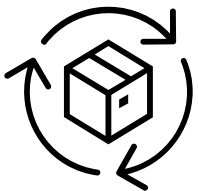
- Product Supply Chain Issues
- Table III Product Performance Requirements
- Field Verification of Proprietary Products
- Table IV Minimum Horizontal Separations
- Design Requirements
- Property Transfer Inspections
- Remediation
- Repairs
- Minimum Lot Sizes
- Certification of Maintenance Providers





# Product Supply Chain Issues (-0110)

- Allow proprietary products to be retrofitted with components that the product was not tested and registered with, if necessary
- Engineer must attest that will not impact performance or maintenance



# Table III, Product Performance Requirements



BL = Bacterial Level

Treatment System Performance Testing Levels						
Treatment Level	Parameters					
	CBOD <sub>5</sub> mg/L	TSS mg/L	O&G mg/L	FC cfu/100 mL	TN mg/L	E. coli cfu/100 mL
A	10	10				
B	15	15				
C	25	30				
BL1				200		126
BL2				1,000		
BL3				50,000		
E	228	80	20			
N					30 (or 50% reduction based on mass loading as required in WAC 246-272A-0320)	



# Field Verification of Proprietary Treatment Products

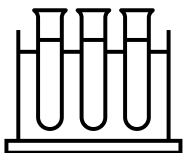
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Manufacturers must:

- Collect and analyze field samples from each proprietary product which disinfects bacteria to BL1 or BL2 or treats nitrogen
- Report the results to the department

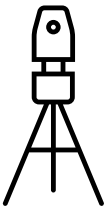
Requirements:

- Mean of sample results must meet the treatment level that the product is registered at
- Registration for products that do not meet the treatment level they are registered at may be adjusted or rescinded.



## Table IV, Minimum Horizontal Separations

- Added Stormwater Detention Ponds and Stormwater Infiltration Ponds
- Added Stormwater Infiltration and Dispersal Components
- Added Geothermal Loop
- Added Drinking Water Containment Vessels
- Added Water Supply Line Easement
- Added statement that OSS components take precedence in cases of conflicts with stormwater components.
- Removed Suction Line
- Removed option for LHO to reduce horizontal separation from OSS components to in-ground swimming pools to 2 feet.



# Design Requirements (-0230)

Changed design flow requirement:

- Allow additional dwelling units (ADUs) to be counted as the number of bedrooms they have (not a minimum of two)
- Allow three or more dwellings to be served by an OSS if:
  - The first dwelling is counted as two bedrooms
  - There is an easement, covenant, or other legal access for construction, repair, and O&M



# Property Transfer Inspections (PTIs) (-0270)

All OSS must be inspected preceding a property transfer, beginning February 1, 2027

LHO may:

- Remove the requirement for the inspection if OSS is in compliance with routine inspection requirements in WAC 246-272A-0280(1)(e)
- Verify the results of the inspection
- Require additional inspections and requirements
- Require a compliance schedule for failures discovered during PTIs

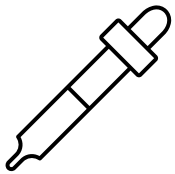


# Remediation (-0278)

LHO may develop a remediation policy.

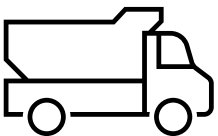
Remediation must not:

- Result in damage to the OSS;
- Result in insufficient soil treatment in the zone between the soil dispersal component and the highest seasonal water table, restrictive layer, or soil type seven; or
- Disturb the soil in or below the soil dispersal component if the vertical separation requirements of WAC 246- 272A-0230 are not met.



# Repairs (-0280)

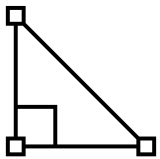
- New definition for Minor Repair to clarify that permits aren't needed for many repairs.
- LHO must evaluate all unpermitted discharges to determine if they pose a public health threat. If determined to be a public health threat the LHO shall require a compliance schedule.
- LHO must report failures within 200 feet of shellfish growing areas to the department.





# Minimum Lot Size and Land Area (-0320)

- Minimum lot sizes increased by between 500 and 1,000 sq. ft. for new developments with public water supplies
- New minimum usable land area requirement for new developments using OSS
- New nitrogen-based methodology for development on smaller lots that do not meet minimum lot size requirements
- Added clarifying language that LHOs may permit an OSS on a preexisting lot of record that does not meet current minimum land area requirements only if it meets all requirements of chapter 246-272A WAC without the use of a waiver



# Certification of Maintenance Providers (-0340)

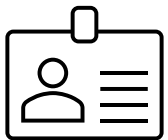
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LHO must:

- Establish approval procedures for maintenance service providers.

LHO may:

- Allow reciprocity from other local health jurisdictions or third-party certification programs.



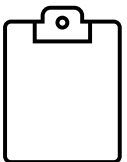
# Cost Survey and Significant Analysis

DOH conducted surveys on estimated costs to implement the proposed rule:

- All LHJs
- All Professional Engineers in Washington
- All Onsite Sewage System Designers
- All known manufacturers
- Hundreds of Installers, Service Providers, and Pumpers

DOH analyzed this data and developed:

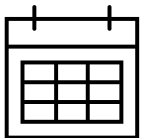
- Significant Analysis
- Small Business Economic Impact Statement



# Effective Dates

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- Product Supply Chain Issues (Section -0110)
  - Effective April 1<sup>st</sup>, 2024
- Maintenance Service Provider approval requirement
  - Effective February 1st, 2025
- Property Transfer Inspection requirement
  - Effective February 1<sup>st</sup>, 2027
- The remainder of the rule
  - Effective March 1<sup>st</sup> 2025





Questions?



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