

On-Site Rule Revision Issue: New Definitions – Fill, Protection Zone WAC 246-272A-0010

Issue Statement

Fill

The term fill is used in the rule when we are referring to soil that is specifically placed with a specific intended use, and specifications for the soil to be used.

There currently is no definition for fill in the rule. We believe it should have a definition because other references to original, undisturbed . . . soil (not fill) for the placement of dispersal components is stated. Also, in general design considerations, existing fill is to be avoided as a place for new construction. This new definition will give better clarity for LHJs, designers, and installers. The definition comes from the glossary of “The Consortium of Institutes for Decentralized Wastewater Treatment.”

Protection zone

Protection zone is primarily used in the current rule in the section on new development to help protect drinking water sources. DOH has been asked to help LHJs by providing a definition for protection zone. It is not appropriate for the OSS rule to create a definition for a drinking water topic. The proposed definition is based on the Group B drinking water rule WAC 246-291-125 (5), which states:

(5) SCA.

(a) A purveyor shall establish the SCA around each groundwater source to protect it from contamination.

(b) The SCA must have a minimum radius of one hundred feet, unless technical justification submitted by a licensed hydrogeologist or engineer to the department or health officer supports a smaller area. The justification must address geological and hydrogeological data, well construction details, and other relevant factors necessary to provide adequate sanitary control.

(c) The department or health officer may require a larger SCA if geological and hydrological data support such a decision.

(d) A purveyor shall own the SCA, or the purveyor shall have the right to exercise complete sanitary control of the land through other legal provisions.

(e) A purveyor shall record a restrictive covenant to the title of each property that is sited partially or completely within the SCA to protect the SCA in perpetuity.

Recommendations: **BLUE** = added language

Add new definitions (added to -0010 Definitions):

“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; 3. Any other human-transported unconsolidated soil material.

“Protection zone” means a reference to “SCA (sanitary control area)” found in WAC 246-291-125 (5).