

On-Site Rule Revision Issue: Definitions: On-site Sewage System, Expansion, and Repair

Problem Statement

Definitions in WAC 246-272A may need clarifications. LHJs, designers, and others have reported that in some circumstances the definitions of the terms On-site Sewage System, Expansion, and Repair have caused issues and confusion.

Options

- Added clarity to definitions.

Pros/Cons

Pros

The added clarity should help LHJs, designers, and others understand the definitions

Cons

Too narrow of definitions may limit liberal interpretability and could force unintended requirements/rigidity.

Recommendations to Consider

Blue = Additions Red = Deletions

On-site Sewage System

The Policy Subcommittee voted to replace the current WAC definition with the following and most recent/existing RCW definition with minor changes. Consider whether on-site sewage system should also be addressed in Applicability section of the WAC.

"On-site sewage ~~disposal~~ system" means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage ~~disposal~~ system also refers to a holding tank sewage system or other system that does not have a soil dispersal component. For

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purposes of this chapter, the term "on-site sewage ~~disposal~~ system" does not include any system regulated by a water quality discharge permit issued under chapter 90.48 RCW.

Expansion

The Policy Subcommittee voted to keep existing WAC definition with no changes.

"**Expansion**" means a change in a residence, facility, site, or use that:

- (a) Causes the sewage quantity or quality to exceed the existing design flow of the onsite system, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or
- (b) Reduces the treatment or dispersal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

Repair

The Policy Subcommittee voted to adopt this definition as edited. Explore use of the word deficient and how it's used in the rule and whether it needs to be defined. Explore whether "minor repairs" could be used in the rule.

Commented [DM(1)]: DOH staff will re-visit this definition and consider how repair relates to failure. To return to the subcommittees for consideration.

"**Repair**" means the relocation, replacement or reconstruction of an ~~failed~~ on-site sewage system, 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.

Unknown System

The Policy Subcommittee voted to adopt the following definition of "unknown system" and consider how it applies in the rule especially in management plans section.

"**Unknown system**" means an on-site sewage system without a record of approval by the local health jurisdiction.