

On-Site Rule Revision Issue: Remediation WAC 246-272A-0278 (New Section)

Issue Statement

Remediation for an OSS is associated with a process whereby its use on a failed OSS may add life to the OSS, and remove the OSS from failure status. Generally, remediation is not considered a repair.

There currently is no definition or language in the rule regarding remediation. For several years only an Interim Recommended Standards and Guidance (RS&G) document regarding remediation has existed as a published document by the department of health (DOH).

Other related draft definitions and rule language have gone forward in this revision process, so it makes sense to also add a draft definition and rule language regarding remediation. Our intent is to help clarify and also differentiate between this and other closely associated draft definitions and rule language for similar subject matter (malfunctions, minor repairs, modifications, etc.).

In any ideally suited specific situation, the proper form of remediation can be used effectively, often with less cost than a repair, and still adequately protect public health. However, not every situation will allow the use of remediation and still provide a good public health outcome. Therefore careful diagnostic evaluation of any particular failure through the permit review process is paramount, prior to engaging in the remediation process. Some forms of remediation potentially leave the required vertical separation treatment zone of the soil in a disturbed, nonnative state which conflicts with the rule and may risk public health.

DOH proposes that the rule is revised to allow remediation to be permitted by local health jurisdictions (LHJs), if they choose. LHJs may decide which types of allowable remediation to permit and may develop requirements that are more stringent than the WAC. When the LHJ utilizes the remediation process, they shall implement the process following the rule and the accompanying departmental standards and guidance (DS&G), except to add the portions of the local rule or policy that are more stringent. DOH will develop and maintain a DS&G document to compliment the rule language. The intent is to give needed clarification, and to provide a vehicle to allow updates for new research and changing technologies.

Recommendations: **BLUE** = added language **GREEN** = language revised by 2nd subcommittee

Add new definition (added to -0010 Definitions):

“Remediation” 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.

Add new section (WAC 246-272A-0278)

WAC 246-272A-0278 (new section)

Remediation.

- (1) The local health officer:
 - (a) Shall ~~consider~~ **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.