

As recommended by the Policy Subcommittee, Meeting #7, 3/14/19

On-Site Rule Revision Issue: Repair of failures, Section -0280

Issue Statement

Passage of SSB 5503 requires updates to section -0280. Provisions of SSB 5503 affecting repairs are proposed to be incorporated in section -0280. This will put WAC 246-272A in compliance with these provisions of SSB 5503.

Proposed revisions regarding remediation (see Remediation issue paper) create potential conflict and confusion in section -0280. Proposed revisions clarify and coordinate these sections in a coherent manner.

Recommended Rule Language

Blue = Additions (previously approved by the ORRC) Red = Deletions

Green = Additions/changes not reviewed by subcommittee

Light Green – new revisions (proposed by subcommittee)

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 ~~remediate~~ or replace the OSS with a conforming ~~system~~ OSS or component, in full compliance with new construction requirements under this chapter, ~~or component~~, 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
 - (b) 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
 - (c) Perform one of the following when requirements in (a) and (b) of this subsection are not feasible:
 - (i) Use a holding tank; or
 - (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 OSS ~~system~~-owner only when the local health officer determines:

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- (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.
 - (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) When the local health officer discovers an unpermitted sewage discharge:**
 - (a) The local health officer shall:
 - (i) Notify the owner of the property and order an immediate stop to the unpermitted discharge;
 - (ii) Require the installation of a conforming OSS in full compliance with new construction requirements under this chapter;
 - (iii) Not permit the installation of a repair OSS meeting the requirements of Table IX; and
 - (iv) Notify the department shellfish program, if adjacent to marine waters.
 - (b) The property owner shall:
 - (i) Cease the unpermitted sewage discharge upon order of the local health officer; and
 - (ii) **Develop and submit an application as required under WAC 246-272A-0200.**
- (24) Prior to repairing the soil dispersal component, the OSS owner shall develop and submit information required under WAC 246-272A-0200(4).**
- (35) 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.
- (46) 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 Separations¹

Vertical Separation	Horizontal Separation ²			
	< 25 feet	25 < 50 feet	50 < 100 feet ³	≥100 feet

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(in inches)	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	A	A	A	A	A	A	A	B	B	B	B
≥ 12 < 18	A	A	A	A	B	B	A	B	B	Conforming OSS Systems		
≥ 18 < 24	A	A	A	A	B	B	A	B	C			
≥ 24 < 36	A	B	B	B	C	C	B	C	C			
≥ 36	A	B	B	B	C	C	B	C	E			

¹The 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.

²The 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.

³On 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 complies with WAC 246-272A-0210(4) shall be installed if feasible.

- (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;
- (d) Minimize phosphorus discharge in areas where phosphorus has been identified as a contaminant of concern in the local plan under WAC 246-272A-0015;
- (de) Prevent the direct discharge of sewage or treated effluent to groundwater, surface water, or upon the surface of the ground;
- (ef) Meet the horizontal separations under WAC 246-272A-0210(1) to public drinking water sources;
- (fg) Meet other requirements of this chapter to the maximum extent permitted by the site; and
- (gh) Maximize the:
 - (i) Vertical separation;
 - (ii) Distance from a well, or spring, or suction line; and
 - (iii) Distance to surface water.
- (57) Prior to designing the repair OSS system, the designer shall consider the contributing factors of the failure to enable the repair to address identified causes.
- (68) If the vertical separation is less than twelve inches, the local health officer may permit ASTM C-33 sand or coarser to be used as fill to prevent direct discharge of treated effluent to groundwater, surface water, or upon the surface of the ground.
- (79) For a repair using the requirements of Table IX, disinfection may not be used to achieve the fecal coliform requirements to meet:
 - (a) Treatment levels A or B where there is less than eighteen inches of vertical separation;
 - (b) Treatment levels A or B in type 1 soils; or
 - (c) Treatment level C.
- (810) The local health officer shall identify repair permits meeting the requirements of Table IX for the purpose of tracking future performance.
- (911) An OSS owner receiving a repair permit for an OSS system meeting the requirements of Table IX from the local health officer shall:
 - (a) Immediately report any failure to the local health officer;

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(b) Comply with all local and state requirements stipulated on the permit.

WAC 246-272A-0010

“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.