

## On-Site Rule Revision Issue - Sewage Products and Technologies WAC 246-272A-0100

### Problem Statement

Section 0100, *Sewage technologies* authorizes DOH to develop standards and guidance documents to assist LHOs in permitting specific sewage technologies. These standards and guidance documents are described as spanning public domain treatment and distribution technologies and proprietary treatment and distribution technologies. These standards and guidance documents are referred to as Recommended Standards and Guidance (RS&G) documents. The section also states that LHOs may not permit any types of sewage technology unless there is a relevant standard in chapter 246-272A WAC or an RS&G.

Some the current RS&G documents are truly recommendations and guidance while other current RS&G documents include specific requirements (standards) that stem from a specific technical foundation. This creates confusion around the naming, importance, and requirements tied to these documents.

DOH recommends adding a new category of technical standards document with a new name that will better describe the intended use and significance of the document. This should lead to better understanding of these documents and more uniform application of their use and role in applying chapter 246-272A WAC.

This new category of guidance document is proposed to be called *Departmental standards and guidance (DS&G) documents*. These documents will be technical standards which describe specific requirements for permitting specific sewage technologies. RS&Gs will provide guidance and recommendations which are intended to assist LHOs in permitting specific sewage technologies but are not requirements.

The creation of this second category of DS&G documents will allow the department to better categorize the existing technical guidance documents that stem from rule language or from the TAG.

These revisions will improve clarity and application of the WAC and related standards and guidance documents. This will enhance and ensure appropriate protection of public health and standardize the application of the WAC.

**Recommended rule language:** ~~RED~~ = Deletion      BLUE = Addition

### WAC 246-272A-0100

#### Sewage technologies.

(1) The department ~~may~~ **shall** develop, ~~and local health officer shall follow recommended~~ departmental standards and guidance **for to assist** local health officers ~~in to permitting~~ different types of sewage treatment and distribution technologies including the following four broad categories:

- (a) Public domain treatment technologies **as identified in departmental standards and guidance** (e.g., sand filters);
- (b) Proprietary treatment products **following the product registration process as described in this chapter and as identified in departmental standards and guidance** (e.g., aerobic treatment systems and packed bed filters);

**Commented [DM(1):** DOH staff to ask AAG about use of the term “standards” which implies that these standards must be followed. Identify the methodology of how DOH develops the standard. DOH staff want to distinguish the “must/shall” from the “may” within the current RS&G.

(c) Public domain distribution technologies [as described in this chapter and as identified in departmental standards and guidance](#) (e.g., gravel or generic gravel substitutes, gravity and pressure distribution methods and materials);

(d) Proprietary distribution products [following product registration process as described in this chapter and as identified in departmental standards and guidance](#) (e.g., subsurface dripline products or gravelless distribution products).

(2) All types of sewage technologies must ~~have~~ either [be registered standards](#) for use as described in this chapter, [have standards for use as described or referenced in this chapter](#), or have departmental ~~recommended~~ standards and guidance before the local health officer may permit them.

(a) ~~Recommended standards and guidance~~ [Departmental standards and guidance may](#) shall, at a minimum include ~~information and detail such as:~~

- (a) Application;
- (b) Design;
- (c) Installation;
- (d) Operation, monitoring and maintenance;
- (e) Performance expectations; and
- (f) Sources of information.

(3) [The department may remove, restrict or suspend a product's approval for use based on failure to meet required standards or conditions of approval.](#)