Granting On-site Sewage System Waivers

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Environmental Public Health
Office of Environmental Health & Safety
Wastewater Management Section

Washington State Department of HEALTH

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Contents

Summary of Changes

Page Number	Section	Description of Change
All	All	Update for revised WAC 246-272A, effective April 1, 2025.

Introduction

As a result of the State Board of Health rule (Chapter 246-272 WAC) adoption in 1995, and the incorporation of the waiver requirements into statute (RCW 70.05), the Department of Health (DOH) developed a process by which waivers may be granted from the state on-site sewage (OSS) regulations. The revision to the OSS rules adopted in 2024 (WAC 246-272A) retains the same waiver process to ensure that all waivers granted by the local health officer (LHO) are consistent with the standards in, and intent of, the state board of health rules. The procedural framework maintains public health protection at least equal to the level established by the provisions in Chapter 246-272A WAC On-Site Sewage Systems.

This manual serves as a guide to the local health jurisdiction (LHJ) staff involved in evaluating and granting waivers from WAC 246-272A and outlines reporting requirements. The standards referenced in this manual for approved mitigation measures are performance-based or design-specific technical specifications and related management practices for on-site sewage systems and their components. These standards are intended to provide, as far as practicable, uniformity of practice. They are based on standard engineering practice and are deemed the best technical documents based on available information.

For technical questions regarding waivers to WAC 246-272A, as well as questions regarding waiver process contact:

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Section 1: Background

Brief History

Waivers from WAC 246-272A have been considered in the same manner since the State Board of Health (SBOH) passed an emergency rule revision on December 14, 1994. The emergency rule was passed in response to a specific request the SBOH received from three Washington State senators concerning issues expressed by constituents in their legislative districts. The current language went from the adopted 1994 rule into law outlined in Chapter 70.05.072 RCW on May 5, 1995. It then went back into a rule under Chapter 246-272A WAC on July 13, 2005, and further revised language was adopted on January 10, 2024.

The 1994 revision maintained these rules:

- The local health officer (LHO) or local health jurisdiction (LHJ) staff under their authority, has the authority to grant waivers.
- Waivers must be consistent with the purpose and objectives of the rules to meet the public health intent.
- DOH has to agree with the LHJ's decision on the waiver.
- DOH grants the waivers for large on-site sewage systems (LOSS) (systems with design flows over 3,500 gallons per day).
- Waivers are still considered on a "site-by-site" basis.

The emergency rule added:

- Local health officers must report to DOH every three months on the waivers they have approved or denied in that time period.

These rules were removed:

- A site-by-site waiver processing procedure that directly involved the citizen applicant, the local health officer and DOH, and the payment of a fee to cover the cost of the departmental review and concurrence.
- A waiver could no longer be granted that would cover multiple sites at once; each site had to be considered separately.

On May 5, 2005, enacted legislation placed the waiver provisions found in rule into statue (RCW 70.05). The statue paralleled waiver language in WAC 246-272, although not including reference to DOH "concurrence," it clarified the process, which involves DOH oversight and technical assistance, which is currently followed to assure concurrence. It also provided suspension of waiver authority if problems are not corrected after DOH technical assistance is provided.

On July 13, 2005, the SBOH adopted revisions to the on-site sewage systems rules (WAC 246-272A). The rule revisions incorporated the waiver statue language into the rules so that the

waiver rule provisions are consistent with the statue. Section 5, Appendix A- RCW 70.05.072 and WAC 246-272A-0420 is the exact language of the law and the rule that are being used now.

Section 2: Basic Concepts

Key Elements

The process of granting a waiver is consistent with the directions provided in statue and rule (see Appendix A). These key elements provide a framework for the process:

- The local health jurisdiction (LHJ), authorized by the local health officer (LHO), has the authority to grant waivers.
- Waivers may be considered and granted only on an individual, “site-by-site” basis.
- Only those waivers that are consistent with the public health protection provided by the state rules may be granted.
- The LHJ must provide waivers reports for all approved or denied wavier requests in the reporting period (see Section 4).
- The LHJ’s authority to grant waivers may be suspended if inconsistencies are not corrected after DOH technical assistance is provided.

Statewide Standards for Public Health Protection

The Washington State Board of Health’s (SBOH) On-Site Sewage System rules, Chapter 246-272A of the Washington Administration Code (WAC), set minimum statewide standards for public health protection. These rules are for statewide application and are implemented by LHJs and the state department of health (DOH).

The rules set minimum standards and an operational framework for on-site sewage treatment and effluent dispersal, including technical specifics for siting, use, design, installation, permitting, repair of failures, minimum land area, and operation and maintenance. These standards and requirements are established to ensure safe treatment and dispersal of sewage, providing protection of public health and water quality. As it is unlikely the rules apply equally well to all sites encountered in the state, DOH developed the process with assurance and oversight in this manual so that the rules may be waived.

Mitigation-Based Waiver

Waivers of state regulations may be granted only when the LHJ determines that the requested waiver is consistent with the standards in, and the intent of, the public health protection purpose and objectives of the rules. As the rules provide the minimum standards for public health and water quality protection, any waiver, or "set-aside" of any portion of the rules must provide a corresponding mitigation measure(s) to assure that public health and water quality protection at least equal to that established by the rules, is provided.

Conceptual Framework for Waiver Process

The following conditions must be met by the local health jurisdiction to maintain consistency between the waivers granted and the standards in, and intent of, Chapter 246-272A WAC:

- **Site-by-site application of the state rules, review, and granting of waivers.** Each site and proposed design/development must be considered independently. Judgment is made on a site-by-site basis, as opposed to, for example, "all 45 lots in this subdivision."
- **Waiver decisions are made by qualified and authorized personnel.** These persons must have knowledge of the principles, and the state/local processes for "mitigation-based" waivers, and specific written authorization by the LHO.
- **Waivers are based on the criteria established and guidance materials provided by DOH.** This helps ensure an equal level of protection of public health and water quality is provided throughout the statewide network of LHJs.
- **Timely, complete, and accurate reporting to DOH.** Local record keeping and documentation of waiver activity needs to be filed for easy retrieval and open to local program quality assurance review by DOH.

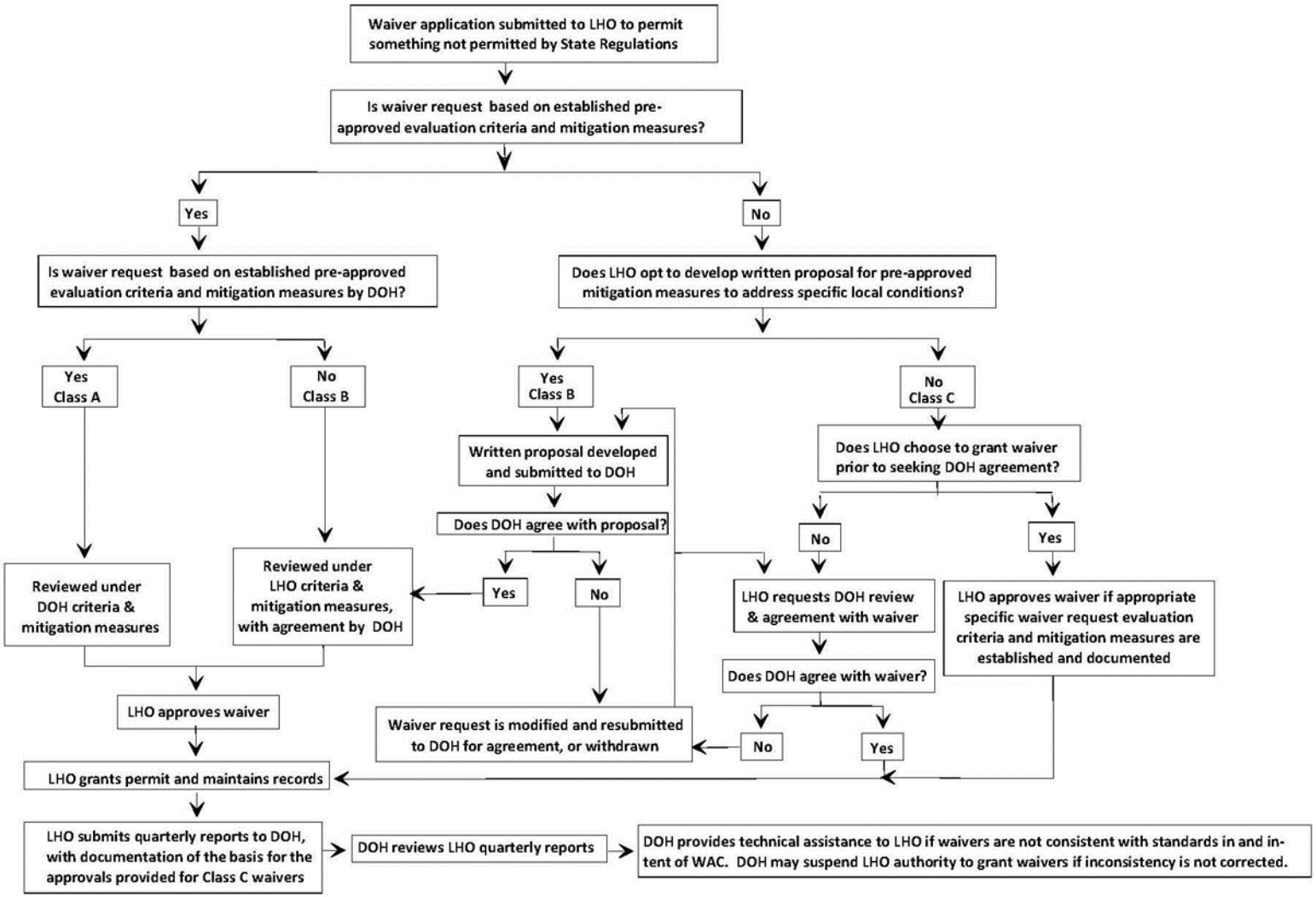
Functional Framework for Waiver Process

The following steps are required to grant waivers from state on-site sewage system regulations. Local health jurisdiction (LHJ) staff act under the authority of the local health officer (LHO). See Figure 1 for a schematic of the process:

- The designer submits a waiver request with the design application.
- The LHJ reviews the request and decides whether the proposal is consistent with the public health protection intent of the rules.
- The LHJ chooses a waiver from one of three classifications established by DOH. Section 3 describes the waivers classes in more detail.
    - **Class A**: DOH uses specific evaluation criteria and mitigation measures for state-wide use.
    - **Class B**: The LHJ, with agreement by DOH, establishes evaluation criteria and mitigation measures necessary to protect public health under local conditions.
    - **Class C**: Used for unique site conditions where no pre-approved standards found in the other 2 waiver classes cover the situation. To approve, the LHJ must establish specific evaluation criteria appropriate for the site for which proposed mitigation measures are judged against. While not required, consultation with DOH prior to granting a Class C waiver is strongly recommended.
- The LHJ ensures local waivers are consistent with the rules by applying specific evaluation criteria and mitigation measures. Staff reviewing waiver requests must review this guidance document, complete the "Waivers" training provided by DOH, and possess an On-Site Inspector Certificate of Competency from the Washington State Board of Registration of Professional Engineers and Land Surveyors (BRPELS).

- The LHJ submits quarterly reports to DOH for local waiver activities (see Section 4 for more information).
- Chapter 246-272A-0420(2)(b-c) WAC states that if DOH finds inconsistencies between the waivers and the state standards, they will provide technical assistance to the LHJ. If the inconsistencies are not corrected, DOH may suspend the authority of the LHJ to grant waivers. Once the inconsistencies have been corrected, DOH has the option to allow the LHJ to grant waivers again.

Figure 1. Evaluation of Site-by-Site Waiver Requests of State Regulations



Section 3: Classes of Waivers

Flow Chart: The flowchart in the Functional Framework section above outlines the waiver process.

Reference Materials: Refer to DOH's publications webpage for a variety of reference materials, including the Glossary of Terms DS&G, which provides definitions for many terms used in the mitigation section.

Waiver Request Form

The waiver request form is on publication page on the DOH's Wastewater Management webpage at this address: https://doh.wa.gov/sites/default/files/2024-02/337-175.pdf. The applicant must complete the form and submit it with the permit application to request a waiver of state regulations.

Required information includes:

- Basic permit data (applicant name, site address, designer name, etc.)
- Specific rule/requirement waived (section and subsection of Chapter 246-272A WAC)
- Site/design/administrative mitigation measures proposed, and any additional evaluation criteria and/or mitigation measures employed
- Waiver type (Class A, B, or C)
- Confirmation of adjacent or affected property owner notification (if applicable)

If approved, the Local health officer (LHO) or an authorized representative of LHO must sign the form.

Class A

Evaluation criteria and mitigation measures are pre-approved by the Department of Health (DOH) for use across Washington State. See Tables 1-4 in this section.

- DOH agreement with individual waivers approved by qualified/authorized LHJ staff are assumed if pre-approved review criteria and mitigation measures are applied.
- Records of Class A waivers must be maintained by the local health jurisdiction (LHJ) and made available to DOH upon request.

Class B

A waiver for which an LHJ and DOH have established pre-approved evaluation criteria and mitigation measures to address specific local conditions in an area.

- Class B Waivers, with their evaluation criteria and mitigation measures, are proposed by an LHJ and reviewed and approved by DOH, prior to their application.

- DOH agreement with individual waivers approved by LHJs can be assumed pre-approved if evaluation criteria and mitigation measures are applied.
- DOH's on-site septic system (OSS) program staff can assist with Class B waiver development.
- The LHJ must submit a written proposal prior to submitting an application to DOH for approval. Supporting documentation requirements vary based on the complexity of the issues surrounding the waiver. A written proposal must:
    - Describe the specific requirements to be waived;
    - List the evaluation criteria;
    - Detail specific site, design, and administrative mitigation measures to be employed to provide an equal level of public health protection,
    - Provide technical data and justification for the proposed actions;
    - Describe anticipated methods of verification that the mitigation measures proposed/used provide the level of public health protection needed.

After reviewing the proposal, DOH will either: 1) agree with it, 2) request additional information, or 3) determine whether the proposal is inconsistent with the intent of Chapter 246-272A WAC. If agreed upon by DOH, Class B waivers may be granted by the LHJ in a pre-approved manner.

Records of Class B waivers must be maintained by LHJs and available to DOH upon request.

Class C

For a site where evaluation criteria and mitigation measures are not developed, LHJs can submit a request for approval.

- DOH grants agreement for each waiver individually. The agreement may be obtained either; 1) prior to LHJ approval in consultation with DOH or, 2) after LHJ approval through the quarterly reporting process. (Advance agreement is strongly recommended.)
- LHJs may consult with DOH regarding waiver/review criteria and mitigation proposals to discuss the technical justification, evaluation criteria, site/design/administrative mitigation measures, and verification methods. DOH may agree with the proposal, request additional information, or determine that the proposed waiver and evaluation criteria and/or mitigation measures are inconsistent with the intent of rules.
- An LHJ may grant a waiver without consulting with DOH prior to approving.

Class C waivers may be reviewed by DOH for inclusion as a Class A waiver. Any subsequent application for waiver for the same portion of the state regulations could then be treated as a Class B waiver application within the applicable county or jurisdiction.

Table 1. CLASS A—NONPERFORATED DISTRIBUTION LINE HORIZONTAL SEPARATIONS

WAC Section	Specific Item Waived	Extent or Degree Waived	Minimum Issues/Criteria to Consider	Approved Mitigation Measures*
246-272A-0210(1) Table IV	Pressure sewer transport line 10 feet from surface water	Subaqueous crossing of pressure sewer transport line or down to 0 feet horizontally	**1)** Extra protection of integrity of line at crossing	**1a)** Transport line installed in a casing of at least Schedule 40 steel or ductile iron pipe within 10 feet on each side of the crossing. Transport line uniformly supported by pressure-grouting annular space with sand-cement grout or bentonite, or casing spacers or skids installed consistent with AWWA PVC Pipe Design and Installation Manual M23. Underground installation of line consistent with ASTM D 2774.
				1b) Transport line buried at least 3 feet below the bottom of the water body's bed.
				1c) Transport line within 10° of the perpendicular direction of the stream.
			2) Performance testing of line	**2a)** Transport line leakage test consistent with ASTM D 2774, except line should be pressurized to 150% of the system's design operating pressure, but not less than 70 psi, and pressure must hold for 1 hour.
			3) Determination of applicable aquatic resource permitting requirements	**3a)** Submit JARPA application to appropriate review agencies.
246-272A-0210(1) Table IV	Pressure sewer transport line 10 feet from surface water	Aerial crossing of pressure sewer transport line or down to 0 feet horizontally	**1)** Extra protection of integrity of line at crossing	**1a)** Transport line installed in a casing of at least Schedule 40 steel or ductile iron pipe within 10 feet on each side of the crossing. Transport line uniformly supported by casing spacers or skids installed consistent with AWWA PVC Pipe Design and Installation Manual M23.
				1b) Transport line crossing designed by an engineer to prevent freezing, leaking, settlement, lateral movement, and damage from expansion/contraction.
				1c) Transport line located with proper clearance above floodwater conditions.
			2) Performance testing of line	**2a)** Transport line leakage test consistent with ASTM D 2774, except line should be pressurized to 150% of the system's design operating pressure, but not less than 70 psi, and pressure must hold for 1 hour.
			3) Determination of applicable aquatic resource permitting requirements	**3a)** Submit JARPA application to appropriate review agencies.

Table 1. CLASS A—NONPERFORATED DISTRIBUTION LINE HORIZONTAL SEPARATIONS (6/07) (cont.)

WAC Section	Specific Item Waived	Extent or Degree Waived	Minimum Issues/Criteria to Consider*	Approved Mitigation Measures*
246-272A-0210(1) Table IV	Pressure sewer transport line 50 feet from non-public well or suction line	Down to 25 feet	**1)** Extra protection of integrity of line within 50 feet of well	**1a)** Transport line installed in a casing of at least Schedule 40 PVC within 50 feet of well. Transport line uniformly supported by pressure-grouting annular space with sand-cement grout or bentonite, or casing spacers or skids installed consistent with AWWA PVC Pipe Design and Installation Manual M23. Underground installation of line consistent with ASTM D 2774.
			2) Performance testing of line	**2a)** Transport line leakage tests consistent with ASTM D 2774, except line should be pressurized to 150% of the system's design operating pressure, but not less than 70 psi, and pressure must hold for 1 hour.
			3) Determination of any existing covenants or easements for maintaining a sanitary control area	**3a)** Notify the well owner of the proposed encroachment if there are no existing covenants or easements establishing a control area.
246-272A-0210(1) Table IV	Building sewer, collection, non-pressure non-perforated distribution line 50 feet from non-public well or suction line	Down to 25 feet	**1)** Extra protection of integrity of line within 50 feet of well	**1a)** Line installed in a casing of at least Schedule 40 PVC pipe within 50 feet of well. Transport line uniformly supported by pressure-grouting annular space with sand-cement grout or bentonite, or casing spacers or skids installed consistent with AWWA PVC Pipe Design and Installation Manual M23.
				1b) Underground installation of line consistent with ASTM D 2321.
			2) Performance testing of line	**2a)** Line leakage test consistent with ASTM F 1417 or exfiltration test consistent with WSDOT 7-17.3(2) B.
			3) Determination of any existing covenants or easements for maintaining a sanitary control area	**3a)** Notify the well owner of the proposed encroachment if there are no existing covenants or easements establishing a control area.

*** The local health officer may require additional site-specific issues and criteria to consider, and mitigation measures.**

Table 2. CLASS A - SEWAGE TANK HORIZONTAL SEPARATIONS

WAC Section	Specific Item Waived	Extent or Degree Waived	Minimum Issues/Criteria to Consider*	Approved Mitigation Measures*
246-272A-0210(1) Table IV	Sewage tank 50 feet from surface water	Down to 25 feet	**1)** Extra protection of integrity of tank and joints	**1a)** Waterproof surface barrier applied to concrete tank consistent with *Manual of Concrete Practice* ACI 515.1R. Flexible rubber boots or compression seals meeting ASTM C 1644, or flexible couplings meeting ASTM C 1173 used for inlet and outlet connections to provide flexibility in case of tank settlement while still maintaining a watertight seal.
			2) Performance testing of tank	**2a)** Concrete tank tested for water-tightness consistent with ASTM C 1227.
			3) Accessibility of tank for ease of operation and maintenance	**3a)** Access openings at or above finished grade with lockable lids or secured to prevent unauthorized entry.
246-272A-0210(1) Table IV	Sewage tank 50 feet from non-public well or suction line	Down to 25 feet	**1)** Extra protection of integrity of tank and joints	**1a)** Waterproof surface barrier applied to concrete tank consistent with Manual of Concrete Practice ACI 515.1R. Flexible rubber boots or compression seals meeting ASTM C 1644, or flexible couplings meeting ASTM C 1173 used for inlet and outlet connections to provide flexibility in case of tank settlement while still maintaining a watertight seal.
			2) Performance testing of tank	**2a)** Concrete tank tested for water-tightness consistent with ASTM C 1227.
			3) Accessibility of tank for ease of operation and maintenance	**3a)** Access openings at or above finished grade with lockable lids or secured to prevent unauthorized entry.
			4) Determination of any existing covenants or easements for maintaining a sanitary control area	**4a)** Notification of proposed encroachment to the well owner if there are no existing covenants or easements establishing a control area.
246-272A-0210(1) Table IV	Sewage tank 10 feet from pressured water supply line	Down to 2 feet	**1)** Extra protection of integrity of tank and joints	**1a)** Waterproof surface barrier applied to concrete tank consistent with Manual of Concrete Practice ACI 515.1R. Flexible rubber boots or compression seals meeting ASTM C 1644, or flexible couplings meeting ASTM C 1173 used for inlet and outlet connections to provide flexibility in case of tank settlement while still maintaining a watertight seal.
			2) Performance testing of tank	**2a)** Concrete tank tested for water-tightness consistent with ASTM C 1227.
			3) Accessibility of tank for ease of operation and maintenance	**3a)** Access openings at or above finished grade with lockable lids or secured to prevent unauthorized entry.
			4) Extra protection of integrity of water line	**4a)** Water line installed in casing of at least Schedule 40 PVC within 10 feet of the tank. Water lines are uniformly supported by pressure-grouting annular space with sand-cement grout or bentonite, or casing spacers or skids installed consistent with AWWA PVC Pipe Design and Installation Manual M23-7-2.

*** The local health officer may require additional site-specific issues and criteria to consider, and mitigation measures.**

Table 3. CLASS A - SOIL DISPERAL COMPONENT HORIZONTAL SEPARATIONS

WAC Section	Specific Item Waived	Extent or Degree Waived	Minimum Issues/Criteria to Consider*	Approved Mitigation Measures*
246-272A-0210(4)	Soil dispersal component 75 feet from surface water	Down to 50 feet, except not in Soil Type 1	**1)** Enhanced treatment performance	**1a)** Treatment component or sequence listed as meeting Treatment Level B. Disinfection cannot be used to achieve the fecal coliform limit of the treatment level. The soil dispersal component maintaining at least 3 feet vertical separation, i.e., sand filter followed by a gravity distribution SSAS with at least 3 feet of vertical separation or by a pressure distribution SSAS with at least 2 feet of vertical separation. A mound system with 2 feet of sand media may be allowed, if there is at least 3 feet of available soil depth.
			2) Performance assurance of treatment system	**2a)** Management program established, which assures the on-going proper operation and maintenance of the system.
			3) Hydrogeologic susceptibility	**3a)** Adequate protective site-specific conditions exist, such as physical settings with low hydrogeologic susceptibility from contaminant infiltration, i.e. evidence of excessive depth to groundwater, down-gradient contaminant sources, or outside a sensitive area.
246-272A-0210(4)	Soil dispersal component 75 feet from non-public well or suction line	Down to 50 feet, except not in Soil Type 1	**1)** Enhanced treatment performance	**1a)** Treatment component or sequence listed as meeting Treatment Level B. Disinfection cannot be used to achieve the fecal coliform limit of the treatment level. The soil dispersal component maintaining at least 3 feet vertical separation, i.e., sand filter followed by a gravity distribution SSAS with at least 3 feet of vertical separation or by a pressure distribution SSAS with at least 2 feet of vertical separation. A mound system with 2 feet of sand media may be allowed, if there is at least 3 feet of available soil depth.
			2) Performance assurance of treatment system	**2a)** Management program established which assures the on-going proper operation and maintenance of the system.
			3) Hydrogeologic susceptibility	**3a)** Adequate protective site-specific conditions exist, such as physical settings with low hydrogeologic susceptibility from contaminant infiltration, i.e. evidence of confining layers and or aquitards separating potable water from the OSS treatment zone, excessive depth to groundwater, down-gradient contaminant source, or outside the zone of influence.
			4) Determination of any existing covenants or easements for maintaining a sanitary control area	**4a)** Notification of proposed encroachment to the well owner if there are no existing covenants or easements establishing a control area.

Table 3. CLASS A - SOIL DISPERAL COMPONENT HORIZONTAL SEPARATIONS (cont.)

WAC Section	Specific Item Waived	Extent or Degree Waived	Minimum Issues/Criteria to Consider	Approved Mitigation Measures*
246-272A-0210(1) Table IV	Soil dispersal component 10 feet from pressurized water supply line	Down to 5 feet	**1)** Extra protection of integrity of water line	**1a)** Water line installed in casing of at least Schedule 40 PVC within 10 feet of the dispersal component. Water lines are uniformly supported by pressure-grouting annular space with sand-cement grout or bentonite, or casing spacers or skids installed consistent with AWWA PVC Pipe Design and Installation Manual M23.
			2) Performance testing of water line	**2a)** Water line leakage tests consistent with WSDOT 7-09.3(23) Hydrostatic Pressure Test.
			3) Hydrogeologic susceptibility	**3a)** Adequate protective site-specific conditions exist, such as physical settings with low hydrogeologic susceptibility from contaminant infiltration, i.e. deep, well-drained soils or down-gradient contaminant source.
246-272A-0210(1) Table IV	Soil dispersal component 30 feet from interceptor/ curtain drains/ drainage ditches down-gradient	Down to 15 feet, except not in Soil Type 1	**1)** Enhanced treatment performance	**1a)** Treatment component or sequence listed as meeting Treatment Level B. Disinfection is not used to achieve the fecal coliform limit of the treatment level. The soil dispersal component with pressure distribution and maintaining at least 2 feet vertical separation, i.e. sand filter followed by a pressure distribution drainfield with at least 2 feet vertical separation.
			2) Performance assurance of treatment system	**2a)** Management program established which assures the on-going proper operation and maintenance of the system.
246-272A-0210(1) Table IV	Soil dispersal component 25 feet from down-gradient cuts or banks with at least 5 feet of original soil above a restrictive layer	Down to 12 feet, except not in Soil Type 1	**1)** Enhanced treatment performance	**1a)** Treatment component or sequence listed as meeting Treatment Level B. Disinfection is not used to achieve the fecal coliform limit of the treatment level. The soil dispersal component with pressure distribution and maintaining at least 3 feet vertical separation, i.e. sand filter followed by a pressure distribution drainfield with at least 3 feet vertical separation.
			2) Performance assurance of treatment system	**2a)** Management program established, which assures the on-going proper operation and maintenance of the system.
			3) Stability of bank or cut	**3a)** Evidence of slope stability.
246-272A-0210(1) Table IV	Soil dispersal component 50 feet from down-gradient cuts or banks with less than 5 feet of original soil above a restrictive layer	Down to 25 feet, except not in Soil Type 1	**1)** Enhanced treatment performance	**1a)** Treatment component or treatment sequence listed as meeting Treatment Level B. Disinfection is not used to achieve the fecal coliform limit of the treatment level. The soil dispersal component with pressure distribution and maintaining at least 2 feet vertical separation, i.e. sand filter followed by a pressure distribution drainfield with at least 2 feet vertical separation.
			2) Performance assurance of treatment system	**2a)** Management program established which assumes the on-going proper operation and maintenance of the system.
			3) Stability of bank or cut	**3a)** Evidence of slope stability.

*** The local health officer may require additional site-specific issues and criteria to consider, and mitigation measures.**

Table 4. CLASS A - MISCELLANEOUS DESIGN PROVISIONS

WAC Section	Specific Item Waived	Extent or Degree Waived	Minimum Issues/Criteria to Consider*	Approved Mitigation Measures*
246-272A-0240(2)	Holding tanks are used only for permanent uses limited to controlled, part-time, commercial usage situations.	Holding tank used for other than part-time non-residential use	**1)** Holding tank design criteria	**1a)** Design criteria consistent with the Recommended Standards and Guidance for Holding Tank Sewage Systems, and tank on current "Approved List".
			2) Performance assurance of system	**2a)** Management program established, which assures the on-going proper operation and maintenance of the system.
246-272A-0234(3)(a)	SSAS infiltrative surface depth shall not exceed 10 feet from the finished grade	Down to 20 feet in depth	**1)** Enhanced treatment performance	**1a)** Treatment with greater than 3 feet of sand-lined bed/trench media and the soil dispersal component's infiltrative surface is installed in suitable native soil consistent with the Recommended Standards and Guidance for Sand Lined Trench Systems.
			2) Performance assurance of treatment system	**2a)** Management program established, which assures the on-going proper operation and maintenance of the system.
			3) Hydrogeologic susceptibility	**3a**) Adequate protection site specific conditions exist, such as physical setting with low hydrogeologic susceptibility from contaminant infiltration. The point where the treated wastewater is applied to the native soil for dispersal must be within the zone of aeration.
246-272A-0234(3)(b)	All SSAS must have a minimum of six inches of sidewall located in original undisturbed soil	SSAS sidewall installed in unoriginal disturbed soil (installed in fill)	**1)** Enhance treatment performance	**1a)** Treatment component or sequence listed as meeting Treatment Level B without disinfection to achieve the fecal coliform limit. The soil dispersal component maintaining at least 3 feet separation between the bottom of the infiltrative surface and the highest seasonal water table, a restrictive layer or soil type 7 i.e. sand filter followed by gravity distribution SSAS with a least 3 feet separation or by pressure distribution SSAS with a least 2 feet of separation.
246-272A-0234(4)(b)	The sidewall below the invert of the distribution pipe is located in original, undisturbed soil	SSAS sidewall installed in unoriginal disturbed soil (installed in fill)	**2)** Performance assurance of treatment system	**2a)** Management program established, which assures the on-going proper operation and maintenance of the system.
			3) Hydrogeologic characteristics	**3a)** Evidence of soil stability, and soil (fill material) displays suitable hydraulic conductivity.
246-272A-0234(3)(c)	SSAS beds are only designed in Soil Types 1, 2, 3, or in fine sands with a width not exceeding 10 feet	Allow bed in Soil Type 4-6, with a width not exceeding 10 feet	**1)** Enhance treatment performance	**1a)** Treatment component or sequence listed as meeting Treatment Level B without disinfection to achieve the fecal coliform limit. The SSAS bed maintaining at least 3 feet vertical separation, i.e. sand filter followed by gravity distribution bed with a least 3 feet vertical separation (pressure distribution with 2 feet of vertical separation allowed). A pressure distribution bed with at least 4 feet of vertical separation may be substituted for a Treatment level B treatment component/sequence.
			2) Performance assurance of treatment system	**2a)** Management program established, which assures the on-going proper operation and maintenance of the system.
			3) Extra protection of soil during construction to limit damage to infiltrative surface	**3a)** Site preparation, excavation, placement of gravel, and backfilling operations done with the proper equipment and care. Only low load-bearing construction equipment to be used in the bed area to limit soil compaction.
				3b) Construction proceeds only during low soil moisture content conditions (below its plastic limit). Once exposed, infiltrative surface covered within 12 hours to prevent desiccation or before periods of precipitation to prevent puddling.

*** The local health officer may require additional site-specific issues and criteria to consider, and mitigation measures.**

Section 4: Waiver Reporting

Record Keeping/Data Management

The local health jurisdiction (LHJ), under the authority of the local health officer (LHO), is required to maintain records of all waivers, both granted and denied. Records, including the request form, are, at minimum, filed with the on-site sewage system's (OSS) permit records. Correspondence from the Department of Health (DOH) should also be filed. Records must be accessible, and the request forms must be submitted in the report they received.

Quarterly Reports

Chapter 246-272A-0420 WAC requires the LHJ to provide quarterly reports to DOH for waiver activity. Reports are reviewed by DOH with technical assistance provided for oversight and assurance. Reports must be submitted using the link below. All waiver requests submitted for the quarter must be reported, whether they were approved or denied.

Report Schedule

Report number	Reporting period	Due date
1	January - March	April 15
2	April - June	July 15
3	July - September	October 15
4	October - December	January 15

Report Format

Each report must include:

- A completed report using this reporting form: https://survey123.arcgis.com/share/01268b8a1f754d8f9034a9768ccedfd7
- Copies of each waiver request submitted in the reporting period (attached in the report). All waiver requests must be submitted whether they are approved or denied. Pending requests should be reported in the next report.

DOH Review, Technical Assistance, and Assurance

DOH is available for consultation and technical assistance during the waiver review process. Consultation with DOH prior to granting waivers is encouraged. This is particularly true for Class C waivers for which no specific evaluation criteria or pre-approved mitigation measures are developed.

DOH has a principal role in the assurance of consistent and appropriate extension of public health protection in all LHJs. DOH will review quarterly reports to ensure the intent of the rules and waivers are met and will respond to non-agreement or non-compliance issues as they arise.

Appendix A—Statutory Authority and Regulations

RCW 70.05.072

Local health officer's authority to grant waiver from on-site sewage system requirements. The local health officer may grant a waiver from specific requirements adopted by the state board of health for on-site sewage systems if:

(1) The on-site sewage system for which a waiver is requested is for sewage flows under three thousand five hundred gallons per day;
(2) The local health officer on an individual, site-by-site basis evaluates the waiver request;
(3) The local health officer determines that the waiver is consistent with the standards in, and the intent of, the state board of health rules; and
(4) The local health officer submits quarterly reports to the department regarding any waivers approved or denied.

Based on review of the quarterly reports, if the department finds that the waivers previously granted have not been consistent with the standards in, and intent of, the state board of health rules, the department shall provide technical assistance to the local health officer to correct the inconsistency and may notify the local and state boards of health of the department's concerns.

If upon further review of the quarterly reports, the department finds that the inconsistency between the waivers granted and the state board of health standards has not been corrected, the department may suspend the authority of the local health officer to grant waivers under this section until such inconsistencies have been corrected.

WAC 246-272A-0420: Waiver of State Regulations

(1) The local health officer may grant a waiver from specific requirements of this chapter if:
    a. The waiver request is evaluated by the local health officer on an individual, site-by-site basis;
    b. The local health officer determines that the waiver is consistent with the standards in, and the intent of, these rules;
    c. The local health officer submits quarterly reports to the department regarding any waivers approved or denied; and
    d. Based on review of the quarterly reports, if the department finds that the waivers previously granted have not been consistent with the standards in, and the intent of these rules, the department shall provide technical assistance to the local health officer to correct the inconsistency and may notify the local and state boards of health of the department's concerns. If upon further review of the quarterly reports, the department finds that the inconsistency between the waivers granted and the state board of health standards has not been corrected, the department may

suspend the authority of the local health officer to grant waivers under this section until such inconsistencies have been corrected.

(2) The department shall develop guidance to assist local health officers in the application of waivers.