

Fact Sheet

Enforcement Process for Large On-site Sewage Systems (LOSS)

Chapter 70.118B RCW and 246-272B WAC

March 2025



The Department of Health Large On-site Sewage System (LOSS) Program devotes a lot of effort to educating owners, operators, and managers on the requirements of operating their large on-site system and helping them address problems. When a system doesn't comply with state rules, we take enforcement action, in this order:

1. Notify the system owner of the violation, offer technical assistance, and allow additional time to comply, if appropriate.
2. Issue a formal notice of correction.
3. Issue a formal violation warning.
4. Issue a formal notice of violation.
5. Issue fines and/or an injunction.

Operating Permits

State law requires large on-site sewage systems (LOSS) to obtain and renew an annual operating permit. The operating permit has standard conditions, which are common to all permits. We may also incorporate specific conditions such as effluent water quality sampling or operational/equipment requirements in some permits. Longer-term actions stemming from our review of annual maintenance and monitoring reports, site visits, complaints or enforcement actions may also be added as specific conditions.

Failure to renew an operating permit and failure to comply with permit conditions are violations.

System Failures as Rule Violations

The LOSS rule ([chapter 246-272B WAC](#)) also identifies treatment and system component failures, which we consider immediate threats to public health and the environment. Examples include:

1. Sewage or partially treated sewage on the ground.
2. Sewage backing up in a customer's home or building.
3. Plant growth above the drainfield that shows problems with the drainfield.

We treat these situations as priorities and give them our immediate attention. The Notice of Violation for Failure (**NOV/F**) will contain a list of immediate actions, follow-up actions, and proof of actions that the owner must follow. Immediate actions are discussed with the owner, manager, or operator before the written notice is issued.

Enforcement Actions

Notice of Correction (NOC) is a written notice to the LOSS owner, that lists the violation(s), what the owner must do to comply, and by when. Most violations are related to failure to renew the permit, lack of submittals of flow data, and other requirements such as engineering inspection and evaluation. Most are satisfied at this step, without formal action or penalties. We may extend deadlines or modify requirements for cause.

Formal Enforcement

If the NOC fails to bring response, compliance, or timely resolution of an immediate threat, we issue a **Violation Warning (VW)** which restates the directions in the NOC for the LOSS owner to return to compliance within a set timeframe. Failure to comply with the VW leads to a departmental order. Calculations of fines, if imposed, begin with receipt of the NOV.

When we issue a **Notice of Violation (NOV)** it is considered an initial order and allows the owner to request an adjudicative proceeding (stops the penalty clock temporarily). It advises the owner of our penalty authority (see table below). In addition, the NOV may contain an injunction to stop operating the LOSS in cases of an ongoing public or environmental health emergency. The initial order becomes final if not complied within 28 days, or if confirmed through the appeal process.

Penalty Table and Definitions

Number of Countable Penalties	Low Risk	Medium Risk	High Risk
0	\$ 250	\$ 500	\$ 1000
1	350	700	1400
2	450	900	1800
3	550	1100	2200
4	650	1300	2600
5 or more	750	1500	3000

- Number of countable penalties include previous assessed penalties and Notices of Violation.
- Low Risk – Violations that do not affect the function or reporting of the LOSS, which have low potential for impacting public health and the environment.
- Medium Risk – Violations related to the reporting of the functioning of the LOSS, including monitoring, operating and maintaining the LOSS, which may result in non-immediate risk to public health and the environment.
- High Risk – Violations related to the functioning of the LOSS, including the operation and effectiveness of the LOSS which have a high potential for or a medium impact on public health and the environment.

Enforcement Authority

The legislature granted us enforcement authority through chapter 70.118B RCW. Its provisions are included in WAC 246-272B-08100, which was effective July 1, 2011.

For more information contact our office:

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