

Anyone or any organization managing a LOSS must provide assurance that they are competent, capable, and financially able to operate and manage a LOSS in a way that protects public health and the environment. The Department of Health (DOH) incorporated minimum expectations in WAC 246-272B-07000 and WAC 246-272B-04100. A review of those sections and helpful definitions are included in this publication.

### **DEFINITIONS** (WAC 246-272B-01100 Acronyms and Definitions)

- **“Development”** means a combination of residences, structures, and facilities, or similar activity, in or on subdivisions, sites, or areas, where residential strength sewage is produced.
- **“Maintenance”** means the actions necessary to keep the OSS and its components functioning to protect public health and the environment.
- **“Management entity”** means a publicly or privately owned entity acting as an agent of the owner responsible for the proper and safe long-term management of the LOSS.
- **“Operator”** means a person who is responsible for operating the LOSS and ensuring that it consistently and reliably treats sewage according to the terms and conditions of the operating permit, and who meets the requirements in WAC 246-272B-07200.
- **“Owner”** means a person responsible for the LOSS and for complying with this chapter.
- **“Person”** means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of these entities.
- **“Private management entity”** means a person, for-profit organization, nonprofit organization, or the authorized agents of these entities responsible for the proper and safe long-term management of the LOSS. This definition does not include public entities or wastewater companies regulated by the Washington utilities and transportation commission.
- **“Public entity”** means a municipal corporation such as a city; town; county; water, sewer, or water-sewer district; public utility district; port district; or federal, state, or local agency.

### **WHO CAN MANAGE A LOSS?** (WAC 246-272B-07000 Management Requirements)

- A single owner development must be managed by a public entity, a wastewater company regulated by the Washington utilities and transportation commission, or a private management entity.
- A development where lots or units served by the LOSS are individually owned, or the development is owned by more than one person, must be managed by a public entity or private management entity. If a private management entity is hired, the owner must also contract with a public entity or a wastewater company regulated by the Washington utilities and transportation commission as a third-party guarantor.

### **WHAT ARE THEIR RESPONSIBILITIES? (WAC 246-272B-04100 Management Plan)**

The management entity's responsibilities are noted in the management plan and contract.

The management plan for a new or modified LOSS is submitted to the DOH with the engineering plan, or can be required separately for existing LOSS. The management contract must also be included in the draft and final Operations and Maintenance Plans.

The management plan must at least include:

- A statement identifying whether the ownership of the development served by the LOSS is a single owner or a collection of owners of individual lots or units.
- If a development has individually owned lots or units, a statement that it is managed by one or more the entities noted in the previous section.
- Signed and notarized management contract or agreement between the LOSS owner and the management entity (see section below).
- A copy of the agreement, ordinance, covenant, or other legal document given to all customers that explains the rights and responsibilities of individual users of the LOSS and of the owner, management entity, or other responsible person. The legal document must at least include the fees and rates to be charged, how charges may be amended, and a list of substances that are prohibited from entering the LOSS (see WAC 246-272B-06000).
- A narrative describing the management entity's experience managing on-site sewage systems, at least including a list of all on-site sewage systems up to 100,000 gallons/day, currently managed and/or owned, and the counties they are located in; the number of staff and their qualifications.
- The name, telephone number, fax number, mailing address, and e-mail address for the management entity, primary contact person and contact information for the management entity and the third-party guarantor, if required.
- A copy of all recorded LOSS and LOSS component easements that allow access to perform operation, maintenance, repair, modification, and replacement, if located on private property or in the public right of way, including easements for sewage tanks on individual lots. Easements for sewage tanks on individual lots must be obtained and recorded as the lots are built upon, if not before. They should be added to the management plan when received.
- A description of the specific duties of the management entity.
- A contingency plan to operate, maintain, and manage the LOSS so that public health and the environment are protected during a transition from one management entity to another.
- How records of performance and all inspections, repairs, sampling, pumping, and improvements will be maintained.
- Proof of an accounting and audit system set up and maintained using standard accounting practices.

- A description of how the owner or management entity will obtain and maintain adequate current and future funding for LOSS operations and capital improvement expenses, at least including long-term maintenance and operation of the LOSS and operator costs; inspection, repair, and replacement of components; and compliance with any conditions of construction approval or conditions that may be included in the operating permit.

If the LOSS serves individually owned units or lots, the management plan must also include the following:

- Articles of incorporation and bylaws, including procedures to amend existing agreements for homeowner associations, corporations, or other associations of owners.
- The name of the association's or corporation's registered agent.

The management contract must specify, at a minimum, that the management entity agrees to comply with the following requirements:

- Operate and maintain the LOSS consistent with chapter 246-272B WAC and any other applicable rules or statutes, and with the requirements in the owner's operating permit;
- Provide adequate management, staff, and facilities to properly manage the LOSS;
- Provide the owner and the department with updated contact information including name, telephone number, fax number, mailing address, and e-mail address when changes occur;
- Contract with licensed, certified, or local health jurisdiction-approved professionals for maintenance service, pumping, electrical, and mechanical repair and modifications, as needed; and
- When a proprietary treatment component is used, employ the proprietary treatment component manufacturer to monitor and maintain the proprietary system, or employ a LOSS operator who meets the requirements of WAC 246-272B-07200(3).

### **WHERE CAN I FIND THE LOSS REGULATION?**

Chapter 246-272B WAC, <http://apps.leg.wa.gov/wac/default.aspx?cite=246-272B>, is the LOSS rule.

A print friendly version, with table of contents, is at [www.doh.wa.gov/Portals/1/Documents/Pubs/337-066.pdf](http://www.doh.wa.gov/Portals/1/Documents/Pubs/337-066.pdf).

If you have questions, please contact us at (360) 236-3330 or [wastewatermgmt@doh.wa.gov](mailto:wastewatermgmt@doh.wa.gov).

For more information visit our website at [www.doh.wa.gov/LOSS](http://www.doh.wa.gov/LOSS).