

**(Effective until April 1, 2025)**

**WAC 246-272A-0015 Local management and regulation.** (1) By July 1, 2007, the local health officers of health jurisdictions in the twelve counties bordering Puget Sound shall develop a written plan that will provide guidance to the local health jurisdiction regarding development and management activities for all OSS within the jurisdiction. The plan must specify how the local health jurisdiction will:

(a) Progressively develop and maintain an inventory of all known OSS in operation within the jurisdiction;

(b) Identify any areas where OSS could pose an increased public health risk. The following areas shall be given priority in this activity:

(i) Shellfish protection districts or shellfish growing areas;

(ii) Sole source aquifers designated by the USEPA;

(iii) Areas in which aquifers used for potable water as designated under the Washington State Growth Management Act, chapter 36.70A RCW are critically impacted by recharge;

(iv) Designated wellhead protection areas for Group A public water systems;

(v) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

(vi) Areas designated by the department of ecology as special protection areas under WAC 173-200-090, Water quality standards for groundwaters of the state of Washington;

(vii) Wetland areas under production of crops for human consumption;

(viii) Frequently flooded areas including areas delineated by the Federal Emergency Management Agency and or as designated under the Washington State Growth Management Act, chapter 36.70A RCW;

(ix) Areas where nitrogen has been identified as a contaminant of concern; and

(x) Other areas designated by the local health officer.

(c) Identify operation, maintenance and monitoring requirements commensurate with risks posed by OSS within the geographic areas identified in (b) of this subsection;

(d) Facilitate education of homeowners regarding their responsibilities under this chapter and provide operation and maintenance information for all types of systems in use within the jurisdiction;

(e) Remind and encourage homeowners to complete the operation and maintenance inspections required by WAC 246-272A-0270;

(f) Maintain records required under this chapter, including of all operation and maintenance activities as identified; and

(g) Enforce OSS owner permit application, operation, monitoring and maintenance and failure repair requirements defined in WAC 246-272A-0200(1), 246-272A-0270, 246-272A-0275, and 246-272A-0280 (1) and (2);

(h) Describe the capacity of the local health jurisdiction to adequately fund the local OSS plan, including the ability to find failing and unknown systems; and

(i) Assure that it was developed to coordinate with the comprehensive land use plan of the entities governing development in the health officer's jurisdiction.

(2) After being approved by the local board of health following a public hearing, the local health officers required to develop a written plan under subsection (1) of this section shall:

(a) Supply a copy of the plan to the department;

(b) Supply a copy of the plan to the entities responsible for land use planning and development regulations in the health officer's jurisdiction; and

(c) Implement the plan described in subsection (1) of this section.

(3) The plans of local health jurisdictions required to develop a written plan under subsection (1) of this section shall be submitted to the department by July 1, 2007, and shall be reviewed to ensure the elements described in subsection (1) of this section have been addressed. The department shall provide in writing to the local board of health its review of the completeness of the plan.

(4) For purposes of this chapter, the local health jurisdictions in marine counties are Clallam, Island, Kitsap, Jefferson, Mason, San Juan, Seattle-King, Skagit, Snohomish, Tacoma-Pierce, Thurston and Whatcom.

(5) The local health officers for all other jurisdictions not required to develop a written plan under subsection (1) of this section shall develop a written plan that will provide guidance to the local jurisdiction regarding development and management activities for all OSS within the jurisdiction. At a minimum the plan shall include:

(a) A description of the capacity of the local health jurisdiction to provide education and operation and maintenance information for all types of systems in use within the jurisdiction;

(b) A description of how the local health officer will remind and encourage homeowners to complete the operation and maintenance inspection required by WAC 246-272A-0270; and

(c) A description of the capacity of the local health jurisdiction to adequately fund the local OSS plan.

(6) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer shall require the owner of the OSS to:

(a) Comply with additional requirements identified in the plan for the location, design, or performance; and

(b) Comply with the conditions of the operational permit if one is required.

(7) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer may require the owner of the OSS to:

(a) Ensure additional maintenance and monitoring of the OSS;

(b) Provide dedicated easements for inspections, maintenance, and potential future expansion of the OSS;

(c) Place a notice to title identifying any additional requirements for OSS operation, maintenance and monitoring; and

(d) Have an inspection of the OSS at the time of property transfer including the preparation of a "record drawing" if necessary.

(8) No later than July 1, 2006, the department shall develop guidance on local management programs to assist marine local health jurisdictions in plan development.

(9) Until such time as the local board of health decides to adopt its own rules, the local health officer shall enforce this chapter. Local boards of health may adopt and enforce local rules and regulations governing on-site sewage systems when the local regulations are:

(a) Consistent with, and at least as stringent as, this chapter; and

(b) Approved by the department prior to the effective date of local regulations.

(10) A local board of health shall apply for departmental approval of local regulations by initiating the following procedure:

(a) The local board shall submit the proposed local regulations to the department.

(b) Within ninety days of receipt, the department shall:

(i) Approve the regulation in writing; or

(ii) Signify automatic tacit approval with the local regulations and permitting local implementation by failing to act; or

(iii) Deny approval of the regulations. If the department determines local regulations are not consistent with this chapter, the department shall provide specific reasons for denial.

(11) Upon receipt of departmental approval or after ninety days without notification, whichever comes first, the local board may implement adopted regulations. The local board shall provide a copy of the adopted local regulations to the department.

(12) If the department denies approval of local regulations, the local board of health may:

(a) Resubmit revised regulations for departmental consideration; or

(b) Submit a written request for a review of the departmental denial within one hundred twenty days from the date the local board of health receives the written reasons for the denial.

(13) Upon receipt of written request for review of the departmental denial, the department shall:

(a) Acknowledge the receipt of the request in writing; and

(b) Form a mutually acceptable advisory panel consisting of:

(i) One departmental employee;

(ii) One employee from a local health jurisdiction other than that which requested the review; and

(iii) One member of the technical advisory committee.

(14) If good faith efforts to reach agreement are unsuccessful, the local board of health may appeal the denial to the Washington state board of health for resolution.

(15) Nothing in this chapter shall prohibit the adoption and enforcement of more stringent regulations by local health departments.

(16) In the plan required in subsection (1) of this section and in local regulations, the local health officer may address water conservation and include options for the nonpotable reuse of gray water. Any treatment and dispersal of gray water outside the residence or structure must comply with this chapter.

[Statutory Authority: RCW 43.20.050. WSR 05-15-119, § 246-272A-0015, filed 7/18/05, effective 9/15/05.]

***(Effective April 1, 2025)***

**WAC 246-272A-0015 Local management plans.** (1) The local health officer for each Puget Sound county shall develop a written local management plan to provide guidance to the local health jurisdiction regarding development and management activities for all OSS within the jurisdiction. The department will review the existing OSS local management plans for all Puget Sound counties within two years of the ef-

fective date of the rule. If the department determines a plan revision is necessary upon review, the local health officer shall revise the local management plan for all OSS within the local health jurisdiction consistent with subsection (2) of this section.

(2) At a minimum, the local management plan for Puget Sound counties must specify how the local health jurisdiction will:

(a) Progressively develop and maintain an inventory including the type and location of all known OSS in operation within the jurisdiction;

(b) Identify any areas where OSS could pose an increased public health risk. The following areas shall be given priority in this activity:

(i) Shellfish protection districts or shellfish growing areas;

(ii) Sole source aquifers as designated by the EPA;

(iii) Areas in which aquifers used for potable water as designated under the Washington State Growth Management Act under chapter 36.70A RCW are critically impacted by recharge;

(iv) Designated wellhead protection areas in Group A public water supplies under chapter 246-290 WAC;

(v) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act under chapter 70.90 RCW;

(vi) Areas designated as special protection areas under WAC 173-200-090;

(vii) Wetland areas under production of crops for human consumption;

(viii) Frequently flooded areas including areas delineated by the Federal Emergency Management Agency or as designated under the Washington State Growth Management Act under chapter 36.70A RCW;

(ix) Areas where nitrogen has been identified as a contaminant of concern including, but not limited to, the marine waters of Puget Sound;

(x) Areas where phosphorous has been identified as a contaminant of concern;

(xi) Areas where sea level rise may impact adequate horizontal separations to surface water; and

(xii) Other areas designated by the local health officer.

(c) Identify operation, maintenance, and monitoring requirements commensurate with risks posed by OSS within the geographic areas identified in (b) of this subsection;

(d) Educate OSS owners about their responsibilities to perform OSS operation and maintenance, including information for owners to complete any inspection required by WAC 246-272A-0270;

(e) Maintain records required under this chapter, including all operation and maintenance activities as identified;

(f) Enforce OSS owner permit application, operation, monitoring and maintenance and failure repair requirements in WAC 246-272A-0200 (2), 246-272A-0260, 246-272A-0270, 246-272A-0275, and 246-272A-0280;

(g) Describe the capacity of the local health jurisdiction to fund the local management plan, which includes a summary of program expenditures by activity, source of funds, a strategy to fill any funding gaps, and the ability to find failing and unknown systems; and

(h) Verify that the local management plan was developed in coordination with the comprehensive land use plan of the entities governing development within the local health jurisdiction.

(3) The department shall review the local management plan for Puget Sound counties at least once every five years. If the department determines plan revision is necessary upon review of the local management plan described in subsection (2) of this section, the department shall notify the local health officer of their findings.

(4) The local health officer for Puget Sound counties shall:

(a) Review and update the local management plan, as necessary, or at least once every five years;

(b) If after the review the local management plan is updated, provide an opportunity for public input on the local management plan;

(c) Following local board of health approval, submit the local management plan to the department for review;

(d) Implement the local management plan;

(e) Submit an annual report to the department including all of the following in a format specified by the department:

(i) Number of OSS;

(ii) Number of unknown OSS identified;

(iii) Number of failures found;

(iv) Number of failures repaired; and

(v) Status of compliance with inspections required by WAC 246-272A-0270;

(f) Supply a copy of the local management plan to the entities responsible for land use planning and development regulations in the local health jurisdiction.

(5) The local health officer for a non-Puget Sound county shall develop a written local management plan that will provide guidance to the local health jurisdiction regarding development and management activities for all OSS within the jurisdiction. At a minimum the plan shall include:

(a) A description of the capacity of the local health jurisdiction to provide education and operation and maintenance information for all types of systems in use within the jurisdiction;

(b) A description of how the local health officer will remind and encourage homeowners to complete the operation and maintenance inspection required by WAC 246-272A-0270; and

(c) A description of the capacity of the local health jurisdiction to adequately fund the local OSS plan.

(6) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer shall require the owner of the OSS to:

(a) Comply with additional requirements identified in the plan for the location, design, or performance; and

(b) Comply with the conditions of the operational permit if one is required.

(7) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer may require the owner of the OSS to:

(a) Ensure additional maintenance and monitoring of the OSS;

(b) Provide dedicated easements for inspections, maintenance, and potential future expansion of the OSS; and

(c) Place a notice to title identifying any additional requirements for OSS operation, maintenance, and monitoring.

(8) The department shall maintain and update guidance and provide technical assistance to assist local health jurisdictions in local management plan development.

[Statutory Authority: RCW 43.20.050(3), 43.20.065, chapters 70A.105 and 70A.110 RCW. WSR 24-06-046, § 246-272A-0015, filed 3/1/24, effective 4/1/25. Statutory Authority: RCW 43.20.050. WSR 05-15-119, § 246-272A-0015, filed 7/18/05, effective 9/15/05.]