

# WCC24.05 Code Change

February 11, 2025



WHATCOM COUNTY  
**HEALTH AND  
COMMUNITY  
SERVICES**



**March 2024 Rule Passed the Board of Health**

**Gauge community feedback groups**

**Nov- Dec. :**

- Shellfish Advisory
- Realtors
- Restaurant Operators
- Land developers

**Effective April 1, 2025:** All provisions of the rule excluding changes to WAC 246-272A-0110, the Maintenance Service Provider approval requirement, and Property Transfer Inspection requirement



**Review WAC and WCC Internally: March- July**

**Form TAG Build Community Buy-in/review**

- **August-Oct**

**County Council**

**Effective February 1, 2025:** Maintenance Service Provider approval requirement

**Effective February 1, 2027:** Property Transfer Inspection requirement

# Summary of Major Changes

Definitions

Developments,  
Subdivisions, and  
minimum land area  
requirements

Installation

Licensing

Local Management  
Plans

Permit Requirements

Operation, monitoring,  
and maintenance-  
Food service  
establishments

Repair of failures

Remediation

Sewage Technologies

# Summary of Major Changes

## Definitions

### **Inclusion of:**

“ADU” means accessory dwelling unit. An accessory dwelling unit is a 2nd dwelling unit on the same piece of property as the primary dwelling unit.”

“Bedroom” means any enclosed room of 70 square feet or more that is not designated as a kitchen, living/family room, utility room, office, bathroom, or dining room adjacent to the kitchen.

Community Drainfield means 1. An OSS designed to serve more than one development other than primary dwelling & ADU; or 2. An OSS with a design flow, at any common point, more than one thousand (1,000) gallons per day and less than or equal to three thousand five hundred (3,500) gallons per day for non-residential sources.

“School” means any publicly financed or private or parochial school or facility used for the purpose of school instruction, from the kindergarten through twelfth grade. This definition does not include a private residence in which parents teach their own natural or legally adopted children.

# Summary of Major Changes

## Definitions

### **Refined:**

“Expansion” means a change in a residence, facility, site, or use that:

- (a) Causes the sewage quantity or quality to exceed the existing design flow **or treatment** of the OSS, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant **or change in restaurant type to produce higher strength waste; or**
- (b) Reduces the treatment or dispersal capability of the existing OSS or the reserve area, for example, when a building is placed over a reserve area.

“Operation and maintenance specialist” means a person licensed by the local health officer and approved to perform operation inspections, **minor repairs and maintenance on OSS and OSS components.**

# Summary of Major Changes

- Increased minimum land area requirement in Table XI
  - Minimum Land Area Requirement for Each Single-Family Residence or Unit Volume of Sewage, for lots served by a public water source or private water source, by 500 – 1000 square feet, depending on soil type.
- Added “Minimum Usable Land Area” requirement to Table XI. This is a new requirement.
- Added new methodology and new Table XII, Maximum Allowable Total Nitrogen (TN) Load Per Day by Type of Water Supply, Soil Type, and Land Area for developments that do not meet Table XI’s requirement.
- Reduced the maximum unit volume of sewage per day per acre from 3.5 to 3.35 for lots served by public water supplies for both Table XI and Table XII due to the change of minimum lot size from 12,500 to 13,000 sq ft for all lots served by public water supplies on Table XI.
- Added option for drinking-water-well water supply protection zones on new subdivisions to be located on multiple lots (to cross lot lines) if a copy of a recorded restrictive covenant is provided to each affected property owner.
- Added clarifying language that LHOs may allow permitting of an OSS on a preexisting lot of record that does not meet current minimum land area requirements only if it meets all requirements of chapter 246-272A WAC without the use of a waiver under WAC 246-272A-0420.

# Summary of Major Changes

Developments  
subdivision, and  
minimum land  
requirements

- Defined the total number of soil logs required for proposed subdivision drain fields

# Summary of Major Changes

## Installation

Clarified restrictions on when LHO may allow a resident owner of a SFR to install an OSS, changing language from restriction when adjacent to marine shoreline to specific distances from marine water and surface water and precluding repairs meeting Table X.

Updated process clarification that a homeowner exemption packet needs to be completed to ensure competency and quality.



# Summary of Major Changes

## Licensing

One continuing education credit per year rather than 3 over 3 years.

Record and report septage removal to the health officer by the 5<sup>th</sup> business day of each month on a WCHCS approved form.

# Summary of Major Changes

## Local Management Plans

- Added requirements for Puget Sound LHJs to include in their LMPs consideration of:
  - Areas where phosphorus and/or nitrogen is a contaminant of concern
  - Areas where sea level rise may impact horizontal separation to surface water
- Added requirement that the LHO for each Puget Sound county report annually to the department the following data elements: number of OSS, number of unknown OSS identified, number of failures found, number of failures repaired, number of property transfer inspections completed, and status of compliance with inspections required by WAC 246-272A-0270.
- Added requirement that the LHO for each Puget Sound county and the department review and approve their LMP within 2 years of the rule effective date, and every 5 years thereafter, and revise as necessary.
- • Changed the required process for LHO to allow public input in LMP before submitting to the department for approval:
  - From holding a public hearing prior to approval of a new or revised LMP by the local board of health,
  - To providing an opportunity for public input following review by the LHO, prior to approval by the local board of health.

# Summary of Major Changes

Operation,  
monitoring, and  
maintenance-  
Food service  
establishments

- Restaurants flow and waste strength sampling requirement. Most restaurants are on complex OSS that have been specifically designed for certain waste strengths and flow. If the system is surpassing this measures, then sewage is not being treated appropriately. These requirements also align with DOH Large Onsite Sewage System standards.

# Summary of Major Changes

## Permit Requirements

- Tank only permits need to be associated with a permitted drain field. Previously, tank only permits could be connected to a non-permitted drain field to fix a failure. Now if there isn't a permit for the drain field, the drain field will also need to be replaced.
- Major & Minor Repairs Definition Changes | Some repairs now need a permit such as sealing or patching a septic tank.
- Expand permit expirations from 3 years to 4 years
- Site plan requirements have been expanded to ensure systems are designed in a manner that can actually be installed while meeting all required setbacks
- Permits will need to include minimum usable land available calculations.

## Repair of Failures

# Summary of Major Changes

There are new sewage disposal options when a site is not suitable. Now if vertical separation cannot be maintained it is recommended to pursue holding tanks and ecology discharge permits.

Report OSS failures to the Washington Department of Health if they are within 200 feet of shellfish growing areas.

# Summary of Major Changes

## Remediation

Added option that Local Health Officer may develop a remediation policy.

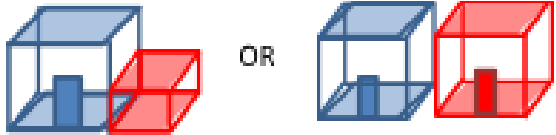
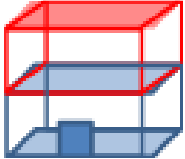
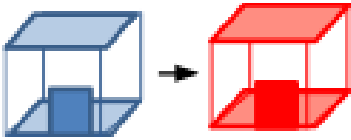
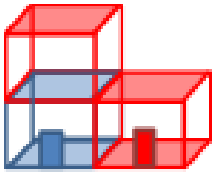
Added minimum requirements for remediation.

Added prohibition on owners using any remediation process unless it is approved by the LHO.

# Summary of Major Changes

Proprietary products may be retrofitted with components they were not tested with if there is a supply chain or other manufacturing disruption. The manufacturer must provide a statement from an engineer that the retrofit will not impact OSS performance or maintenance.

# Summary Expansions & OSS Requirements

<b>Building proposal</b> Blue = existing Red = new, any building of <u>any type</u>	No OSS permit or OSS permit does not have final approval	Conforming OSS permit	OSS permit, but no reserve	Non-conforming repair permit	Table VII (X) repair permit
Expanding footprint, No limit on amount of new square footage  	New OSS	Current ROSS	Current ROSS New reserve	Current ROSS New reserve - If new reserve cannot be located, expanding footprint is not allowed	Cannot expand footprint
Expanding square footage, but not footprint No limit on amount of new square footage  	If <u>project</u> is considered a demo & rebuild, new <u>OSS</u> required. If project is remodel, current ROSS.	Current ROSS	Current ROSS (No new reserve required.)	Current ROSS (No new reserve required.)	Current ROSS
Moving footprint, but same size footprint  	New OSS	Current ROSS	Current ROSS New reserve	Current ROSS New reserve - If new reserve cannot be located, expanding footprint is not allowed	Cannot expand footprint
Moving footprint and expanding footprint  	New OSS	Current ROSS	Current ROSS New reserve	Current ROSS New reserve - If new reserve cannot be located, expanding footprint is not allowed	Cannot move footprint
Adding bedroom	New OSS	New OSS	New OSS	New OSS	Cannot add bedroom