



## King County

### King County Board of Health

#### Staff Report

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Agenda item No: 12

Date: January 16, 2025

Rule and Regulation No: BOH24-05

Staff: Meagan Jackson,  
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#### **Subject**

Proposed revisions to King County Board of Health Title 13 – On-site Sewage System code.<sup>1</sup>

#### **Summary**

The On-site Sewage Systems (OSS) Program in Public Health—Seattle & King County’s Environmental Health Services Division, referred to as the OSS Program, provides permitting and maintenance oversight for 85,000 OSS in King County. The Washington State Board of Health adopted new OSS requirements in revised Washington Administrative Codes in January 2024. Therefore, the OSS Program is proposing revisions to King County Board of Health Code (KCBOH) Title 13, to be effective April 1, 2025. In order to meet this timeline, the KCBOH must act by 2/20/2025. The KCBOH received briefings on this topic in April 2024, individual briefings in fall 2024, and January 2025.

To develop the proposed revisions, OSS Program staff conducted technical and legal analysis of existing OSS codes; facilitated the OSS Technical Advisory Committee, which includes rural and urban OSS owners, OSS industry, realtors, builders, and representatives of Tribes, cities, state agencies, and environmental advocacy groups; performed an equity impact review; and completed an extensive community outreach process. The OSS Program has been responsive to input from community and partners to ensure that code revisions do not introduce unnecessary costs or barriers.

The proposed revisions to King County’s OSS Program were approved by the Washington State Department of Health on October 1, 2024. The revisions ensure compliance with the new state codes, reduce costs and barriers for property owners, promote consistency and clarity, and strengthen oversight mechanisms for certified OSS service providers. If approved by the King County Board of Health, the revisions will support property owners with OSS while protecting human health and the environment. The OSS Program is committed to a clear and equitable process for implementing the new codes through internal procedures, policies, and the Local Management Plan update. Additional resources are needed to provide educational resources to community members and identify creative strategies to address the crisis of aging OSS infrastructure.

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<sup>1</sup> BOH24-05, <https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=7010008&GUID=BA656A50-A13E-482E-8D57-0F7F1179B158&Options=Advanced&Search=>

## Background

### *On-site Sewage Systems in King County*

In King County, an estimated 85,000 on-site sewage systems (OSS), commonly known as septic systems, treat ten percent of the county's wastewater. Almost half (37,000) serve properties in the Urban Growth Area (UGA), where affected communities are disproportionately low-income and communities of color. Figure 1 shows the location of OSS in King County, as well as the distribution of OSS by age. Two thirds (54,000) of the OSS in King County are more than 30 years old, which the Environmental Protection Agency (EPA) identifies as the average working lifetime for an OSS.

Properly designed, installed, and maintained OSS provide excellent wastewater treatment and are an important utility option for properties where sewer is not available. When OSS failures occur, they have significant impacts on households when sewage, carrying bacteria and viruses, backs up into a home, comes up in a yard, or onto surrounding properties. Untreated waste threatens the health of people, pets, and the environment. Cost has been identified as the biggest barrier to homeowners needing to replace OSS or convert a failing OSS to sewer (UGA only). The average cost for replacing OSS is \$41,000 in King County. Sewer connection is often more expensive – \$80,000 to \$124,000. An average of 900 OSS failures per year have been reported to King County over the past three years – and we know that many

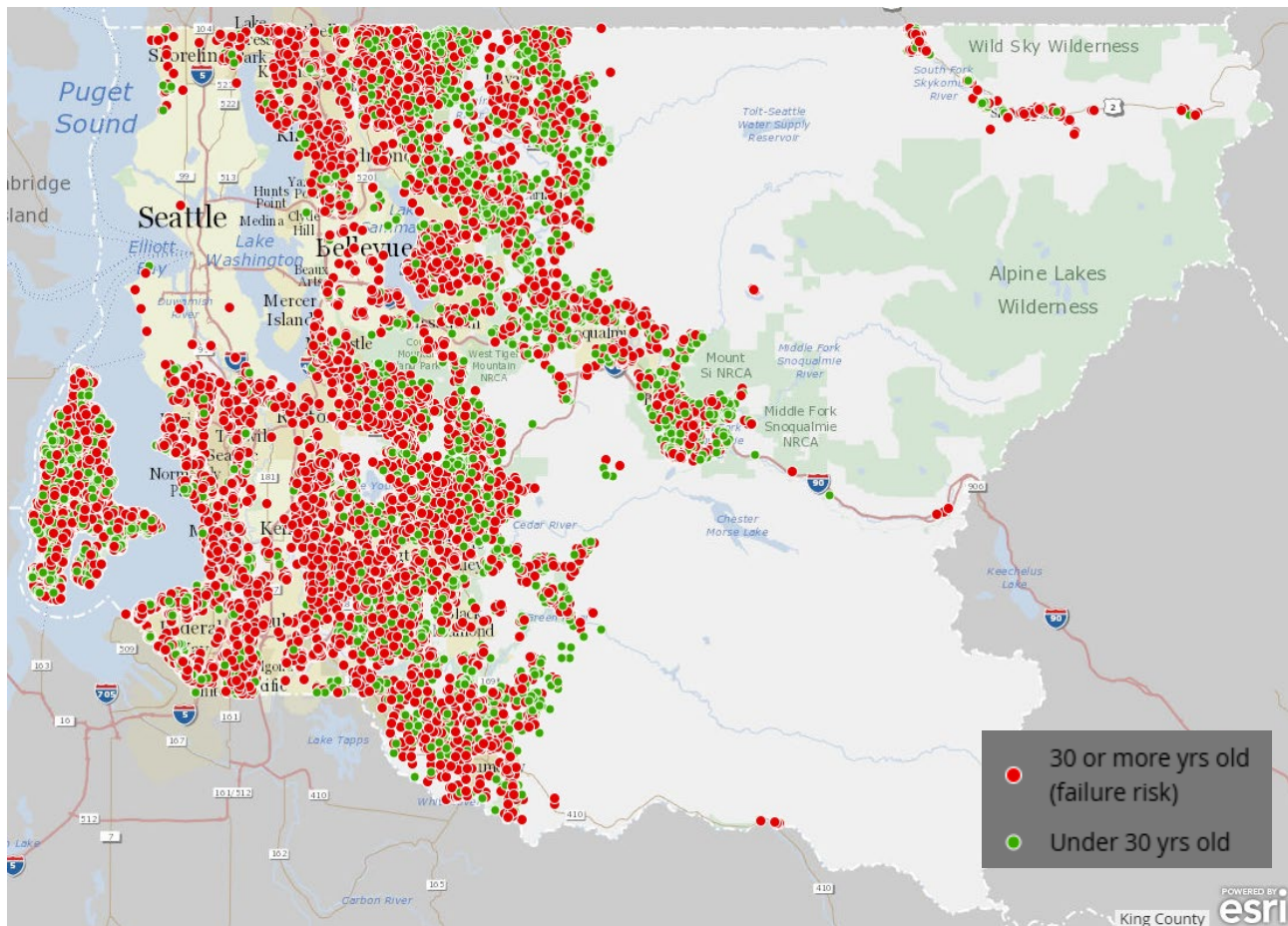


Figure 1. Location and age of OSS in King County

failures are not reported.

### *OSS regulations*

King County began regulating OSS in 1961. Codes have been revised on a regular basis to adapt to emerging technologies and challenges specific to OSS management in King County. Local OSS codes must be aligned with state regulations but may be more restrictive. The primary state regulations related to OSS appear in Chapter 246-272A of the Washington Administrative Code (WAC).

In 2017, the Washington State Department of Health (WADOH) performed an assessment of Chapter 246-272A WAC and determined that revisions were necessary to ensure that the state's OSS regulations meet current needs. WADOH worked with a Code Advisory Committee to propose revised codes that were adopted by the Washington State Board of Health in January 2024.<sup>2</sup> The provisions of the new rule are effective April 1, 2025.

In addition to ensuring compliance with state minimum requirements, the OSS Program identified the adoption of revised state regulations as an opportunity to propose improvements to King County code requirements. Since KCBOH Title 13 was last updated in 2008, technological advances and an improved understanding of wastewater treatment have altered some key aspects of wastewater management. Within this context, King County can reduce costs and barriers to compliance by revising OSS regulations, while also maintaining a high level of public health and environmental protection.

## **Analysis**

### *Code Evaluation and Proposal Development*

The OSS Program implemented a multi-step code analysis and proposal development process, described in further detail in subsequent sections of this staff report. Public Health structured the development process to be equitable and focused on gathering input from partners and community members to inform proposed code revisions and identify changes that will reduce costs and barriers to compliance. To achieve this, the OSS Program:

- Performed technical and legal analysis and comparison of the newly adopted state code with existing KCBOH Title 13 and identified additional opportunities for revisions based on staff and customer feedback from the past ten years;
- Engaged proactively with our partners, including the OSS Technical Advisory Committee;
- Conducted an equity impact review to ensure specific consideration of inequitable impacts and proposed responses for those at highest risk of negative outcomes due to failing OSS;
- Provided a robust community input process and transparent and timely information for community, property owners, industry, elected officials, governmental entities, and other partners; and
- Provided a formal comment opportunity on draft proposed revisions.

Additionally, to comply with state regulations, the OSS Program engaged in State Environmental Protection Act (SEPA), Department of Health, and Department of Commerce Review.

### *Technical and Legal Analysis*

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<sup>2</sup> Additional information about WADOH code revision process can be found at <https://doh.wa.gov/community-and-environment/wastewater-management/rules-and-regulations/onsite-rule-revision>.

The OSS Program performed a review of each section of the adopted Chapter 246-272A WAC in comparison to KCBOH Title 13 to identify changes required due to the state revisions. The OSS Program also conducted interviews with OSS Program Health & Environmental Investigators to identify parts of the code that have caused confusion, delays, or mistakes based on their experience implementing these codes since 2008. The interviews also identified code revisions that customers have requested. Of 29 proposed substantive changes obtained via these interviews, 20 were prioritized for further evaluation due to their high impact on public health, equity, or improved services.

#### *Technical Advisory Committee Input*

Each of the potential substantial revisions was discussed in detail with the OSS Technical Advisory Committee (TAC) at monthly meetings. The OSS TAC, established in 2021, includes representatives of rural and urban OSS owners, those who work in the OSS industry, realtors, builders, Tribes, cities, state agencies, county agencies, and environmental advocacy groups. Through facilitated discussions, TAC members shared support or concerns, helped think through long-term implications, and identified whether the proposed changes would increase or decrease costs and other barriers. Recommendations were incorporated into the proposed changes after each meeting. The meetings also included an opportunity for public comment.

Additionally, after the community input stage (discussed below), the OSS TAC was convened to vote on which revisions to propose to the King County Board of Health. All TAC members were in support of the codes in the proposed rule and regulation, with one exception. The proposal to enhance the allowance for certified pumpers to perform routine inspections of gravity OSS was not supported by some OSS industry representatives. The OSS Program decided to continue with this revision given the high interest from property owners, while agreeing to work with the OSS industry to determine how to best implement this to meet everyone's needs.

#### *Equity Impact Review*

OSS Program staff partnered with the Environmental Health Services' Racial Equity Manager and the Public Health—Seattle & King County's (PHSKC) Equity Review Team (ERT) to perform an Equity Impact Review (EIR) of the proposed code revisions. The ERT includes representatives of different PHSKC divisions and community members whose lifelong equity work and lived experiences make them uniquely qualified to identify inequitable impacts and propose systemic changes to address them.

The EIR identified two revision topics that provided the greatest opportunities to improve equitable OSS management. These included adding a requirement to use an EIR when reviewing the OSS Local Management Plan, which is required every five years per WAC 246-272A, and addressing unethical business practices by OSS industry professionals. These topics were evaluated using a Structural Competency framework to identify what contributes to inequities at an individual/intrapersonal level of influence and an institutional/socio-cultural level of influence, as well as strategies to mitigate the concern.

Throughout this review, three key opportunities to address inequities were identified:

- Strengthen and leverage partnerships with community members and other impacted parties, particularly with state agencies and Tribes, to support effective EIRs that lead to meaningful change.

- Develop OSS Industry Code of Performance and Ethics to protect customers from unethical business practices, which are more common when a customer is a person with limited English proficiency; is Black, Indigenous, or a Person of Color; is a person with a disability; or is an older adult. By incorporating protections for the most marginalized in King County communities, the proposed OSS regulations will improve services for all King County residents.
- Increase access to in-language resources and culturally sensitive trainings to empower OSS owners and residents to advocate for themselves and take care of their OSS.

### *Community Input*

PHSKC hired Confluence Consulting NW to support community outreach and engagement about potential code revisions. Extensive public engagement included:

- A monthly newsletter (subscriptions doubled from 450 when the engagement started to over 900 current subscribers);
- An OSS code revision website translated into six languages, with over 10,000 unique views;
- 47 social media posts, with over 1,400 interactions;
- Emails to a list of over 600 potentially interested parties including realtors, homeowner associations, community-based organizations, and others;
- Seven listening sessions, ten interviews with representatives of priority communities as identified by the Technical Advisory Committee, and participation in eight existing community meetings, covering regions across King County and various interest groups; and
- A survey (translated into the top six languages used in King County) with 614 responses.

During engagement with community members and other interested parties, the OSS Program asked for input on 17 TAC-reviewed topics related to potential code revisions. Participants shared questions, concerns, requests, and other input related to the impact of these possible revisions on their ability to effectively use their OSS for wastewater treatment. The input provided was primarily general in nature, reflecting participants' needs related to the code revision process, communication methods, education, and permitting processes. The OSS Program took each of these insights, as well as direct input about the possible code revisions, into consideration when drafting the code revision proposals.

The key general themes from the community input stage are listed below, and specific code revision input is included in Table 2 on page 8. More detailed information can be found in Attachment 5.

- Community Engagement and Knowledge: Participants regularly noted that the OSS Program should have provided more communication about the listening sessions and a lack of awareness within the broader community, as well as a more general lack of understanding of how OSS works and their role in its maintenance. Many participants requested more educational resources and trainings.
  - How PHSKC responded: Expanded community representation on the OSS TAC; included more outlets for sharing information as they were identified; applied for grant funding for county-wide OSS outreach project.
- Property Inspections and Values: Many participants shared their concern about inspections of OSS systems and their fears that this would lead to the County coming on their property without consent. Additionally, people spoke against codes that might affect the value of their property (especially minimum lot size).

- How PHSKC has responded: Prioritized code revisions that will increase property owners' ability to manage their property independently; included anticipated cost and impact on property in plain language summary of proposed codes; increased communication about inspection process – County inspectors never enter private property without permission; conducted a GIS analysis and found that of the 4,000+ developable properties, 35 will be impacted by the minimum lot size update.
- Opinions on Governance and Processes: Community members shared opinions about the fairness and effectiveness of the governance processes. Many lack trust in both government processes and people, and often make erroneous assumptions about motives. Many participants requested greater inclusion in decision making and more flexibility to choose how to meet code requirements.
  - How PHSKC has responded: Expanded community representation on the TAC; continued monthly newsletter to strengthen communication about how codes are implemented and resources for property owners; explained reason for proposed code revision in plain language summary; prioritized code revisions that make compliance cheaper and easier.
- Impact on Property, Costs and Quality of Life: Property owners conveyed worries about how regulations impact property usage and housing conditions, including the cumulative cost of repairs and maintenance, lower property values, and potential property loss if OSS fail. They were worried about how these regulations might impact their ability to make future changes to their homes, such as expansions, renovations or the addition of ADUs.
  - How PHSKC has responded: Prioritized code revisions that decrease costs associated with OSS construction and maintenance; prioritized code revisions that support property expansions and additions, such as ADUs; continued work to support financial assistance programs for OSS construction, repair, and maintenance costs.

#### *Public Comment on Draft Proposed Revisions*

Although only a public hearing is required for proposed changes to King County Board of Health Rules and Regulations, the OSS Program elected to provide an extended opportunity for public comment on a draft proposed Rule and Regulation (R&R). The draft R&R was made available on September 17, 2024, and due to requests to extend the public comment period, the deadline was extended from October 10 to October 21, 2024. The OSS Program hosted six public comment meetings throughout King County; comments could also be submitted via online survey, mail, and by phone. The program created a public comment webpage to ensure easy access to the draft R&R, public comment options, and a plain language summary of the draft R&R which included information about anticipated impacts and costs.

Just under 200 people attended the public comment meetings. The OSS Program received 145 comments, of which 41 were general comments, 88 were comments about specific code sections, and 16 were questions. The OSS Program identified ways to incorporate 22 percent of the code-specific comments. Attachment 6 includes all public comments with responses.

#### *SEPA, Dept of Health, Dept of Commerce Review*

To comply with state regulations, PHSKC requested a State Environmental Protection Act review, Department of Commerce review of impact to land use and development, and Department of Health review for compliance with WAC Chapter 246-272A WAC. A few minor changes in the proposed code

language were identified to ensure compliance with state regulations. Confirmation of completed reviews are provided in Attachment 8 to this staff report.

### Proposed Code Revisions

As a regulator, the OSS Program’s goal is to consider the input provided by impacted parties and balance benefits to property owners and the OSS industry with public health and environmental protection. Based on this analysis, the OSS Program is proposing the following revisions to KCBOH Title 13. Table 1 lists the substantive changes that must be made to KCBOH Title 13 to comply with the Chapter 246-272A WAC requirements that were adopted in January 2024.

<b>Code section</b>	<b>Proposed change</b>	<b>Rationale</b>
<b>Throughout</b>	Revises requirements so that no permit is required for a minor repair.	This change clarifies that small fixes like repairing a cracked pipe or replacing a pump can be done without a permit. This significantly reduces costs, not only by the permit fee, but also because a service provider can make the fix immediately instead of waiting until a permit has been approved.
<b>13.24.020</b>	Increases minimum lot size for new subdivisions by 500-1,000 square feet and establishes minimum usable land area requirement.	Ensures that subdivided properties intended to be served by OSS have enough space for the OSS and on-site stormwater treatment.

Table 2 lists the substantive changes that the OSS Program is proposing beyond the WAC requirements, with more detail available in technical memorandums in Attachment 7. All other clean-up revisions can be found in Attachment 4. Additionally, PHSKC has proposed a technical amendment to the advertised Rule and Regulation to remove the repeal of the “repair” definition.

Table 2. Proposed substantive revisions to KCBOH Title 13

Code section	Proposed change	Rationale	Public Input	Anticipated impact
<b>OSS Industry Certifications &amp; Oversight</b>				
<b>13.68.010 and 13.68.030</b>	Adds specifications for OSS pumpers performing routine performance monitoring inspections of gravity OSS and ensures that the examination requirements for this certification include the knowledge necessary to inspect gravity OSS.	This change makes it easier to have gravity OSS inspected at the same time they are pumped. It also ensures that OSS pumpers have the knowledge and expertise necessary to perform routine inspections of gravity OSS.	<ul style="list-style-type: none"> <li>• Very strong support from the general public and property owners, who emphasized the need to ensure that pumpers have the necessary knowledge and skills for gravity OSS inspections.</li> <li>• The OSS Program chose to move forward with this proposed change despite concerns from OSS industry. The implementation details will be determined in collaboration with industry as part of the 2027 Local Management Plan update.</li> </ul>	<p><b>Cost:</b> Reduced cost to property owners because a certified professional who is pumping a gravity OSS may also perform a routine inspection at the same time. This will also increase revenue-generating options for OSS pumpers.</p> <p><b>Who is impacted:</b> All owners of gravity OSS and OSS pumpers.</p>
<b>13.60.010</b>	Adds requirement that certified professionals must report observed OSS failure (surfacing effluent or backing up into structure) to health department within five business days.	Public Health is responsible to ensure that failures are addressed in a timely manner to prevent public exposure to untreated sewage. To do this effectively, the OSS Program needs timely information about the state of the OSS. This is especially relevant for	<ul style="list-style-type: none"> <li>• Many OSS owners advocated to keep the 30-day deadline. Other participants wanted quicker reporting, especially near sensitive ecosystems. The OSS industry shared that they need a minimum of 3 days to submit a report.</li> </ul>	<p><b>Cost:</b> No anticipated impact.</p> <p><b>Who is impacted:</b> All OSS certified professionals and OSS owners.</p>



Code section	Proposed change	Rationale	Public Input	Anticipated impact
		rental properties, where the property owner may not be informed or motivated to fix the failure. No fee will be assessed for the report of a failure.	<ul style="list-style-type: none"> <li>The proposed 5-day requirement specific to sewage surfacing or backing up into a structure balances these different perspectives.</li> </ul>	
<b>13.20.030, 13.20.035, and 13.68.050</b>	Adds a requirement for a signed attestation that OSS industry applicant is familiar with OSS Code of Performance and Ethics (CPE). Adds a requirement to comply with CPE to maintain certification. Adds a \$1,000 fine for violations of Title 13 or CPE.	The OSS Program receives complaints of upselling and defrauding by certified professionals. When the OSS Program does not enforce a consistent standard of service, OSS owners are not confident that they will receive good service for their OSS. This is an expensive process, so it's important that property owners receive good services.	<ul style="list-style-type: none"> <li>There was a consensus on the need for clearer expectations of service for certified OSS professionals.</li> <li>Some property owners and industry members expressed concerns about increased costs and enforcement challenges.</li> <li>The OSS Program added the \$1,000 fine to address concerns about the program's ability to enforce the proposed code.</li> </ul>	<p><b>Cost:</b> No anticipated direct impact other than to certified professionals in violation of CPE. This has an indirect impact of reducing costs of repairing, installing, and maintaining OSS.</p> <p><b>Who is impacted:</b> Holders of King County OSS certificate of competency.</p>
<b>Requirements for OSS Design and Sewer Connections when installing new OSS and addressing failures</b>				
<b>13.04.050</b>	Adds a waiver process to allow a non-conforming OSS replacement of failure when sewer is available, but connection is not feasible.	This change ensures compliance with Growth Management Act (GMA) and King County Comprehensive Plan, which specify that properties in the Urban Growth Area should be connected to sewer. A waiver	<ul style="list-style-type: none"> <li>Sewer connection costs are a huge concern and burden to property owners, but many still recognize the need to make sure that urban properties can connect to sewer.</li> </ul>	<p><b>Cost:</b> Property owners will have a clear pathway to evaluate alternatives to expensive sewer connections. While there will be some costs associated with the</p>

Code section	Proposed change	Rationale	Public Input	Anticipated impact
		process will address OSS failure situations where connection to sewer is not timely or reasonable, including due to cost of sewer connection.	<ul style="list-style-type: none"> <li>The proposed code addresses some of the cost concerns, while ensuring compliance with GMA and KC Comprehensive Plan. The waiver process allows property-level decisions to ensure good public health protection.</li> </ul>	waiver application, total costs to address failing OSS will decrease.  <b>Who is impacted:</b> All OSS owners in Urban Growth Area.
<b>13.48.010</b>	Changes requirements for pressure distribution drainfields to reduce minimum separation between drainfield trench sidewalls for soil texture types 4-6 from six feet to four feet.	New understanding in OSS industry confirms that effluent generally flows down from drainfield trenches, not out the sides. Reduced drainfield trenches will not impact public health risk of untreated sewage but will significantly reduce the size of pressure distribution drainfields.	This proposed change was added in response to the high level of interest in reducing costs and supporting affordable housing in rural areas. It is also responsive to the request to remove unnecessary restrictions, especially when they are associated with higher costs.	<b>Cost:</b> This will make it much easier to install smaller OSS to support repairs and ADU construction. More properties can use pressure distribution OSS instead of needing advanced treatment, saving approximately \$5,000 in installation costs.  <b>Who is impacted:</b> Property owners who need to repair OSS or want to construct an ADU on their property.
<b>13.24</b>	Specifies that nitrogen treatment requirements in King County Code must be	This change ensures consistent application of nitrogen treatment	<ul style="list-style-type: none"> <li>The OSS Program received comments that simplicity is important and new</li> </ul>	<b>Cost:</b> No anticipated increase in cost because this is already

Code section	Proposed change	Rationale	Public Input	Anticipated impact
	met throughout King County. For properties smaller than one acre in a Critical Aquifer Recharge Area (CARA) Type 1 and 2, the OSS must provide nitrogen treatment.	requirements in incorporated and unincorporated areas of King County. Nitrogen treatment is important to ensure that nitrogen levels in groundwater meet drinking water standards.	<p>regulations should not be implemented if they are not necessary.</p> <ul style="list-style-type: none"> <li>The OSS Program decided to prioritize consistent code application and groundwater protection. The program will help find financial and technical assistance for impacted property owners</li> </ul>	<p>implemented as a standard procedure.</p> <p><b>Who is impacted:</b> Property owners who install a new OSS in the designated areas. This may be applied to replacement OSS, too.</p>
<b>13.08.218</b>	Adds a “bedroom” definition.	OSS are sized based on the number of bedrooms in the residence. A bedroom definition provides consistency so that the necessary OSS capacity is clear. This makes it easier for developers and property owners to plan for current and future uses.	<ul style="list-style-type: none"> <li>Consistency with other bedroom definitions is important. Some OSS owners were not supportive of this change because they thought that they could evaluate decisions about OSS capacity on their own.</li> <li>The OSS Program drafted a bedroom definition that is as simple and consistent as possible.</li> </ul>	<p><b>Cost:</b> Reduced costs that come up because of extended conversations between builders, OSS installers, and OSS Program.</p> <p><b>Who is impacted:</b> Property owners who need to install a new OSS or who are remodeling existing buildings with bedrooms.</p>
<b>13.64.020</b>	Adds language to clarify that an OSS evaluation by a licensed OSS designer or professional engineer is required for any change of	Commercial facilities represent a higher public health risk because the wastewater generation is more varied and higher foot	<ul style="list-style-type: none"> <li>There is general support for this added requirement. The OSS Program received many comments in support of more restrictive processes</li> </ul>	<p><b>Cost:</b> Cost of evaluation (approx. \$3,000) will be added when starting a commercial</p>

Code section	Proposed change	Rationale	Public Input	Anticipated impact
	use for a commercial property or from a residential to a commercial use.	traffic causes greater exposure to a potential OSS failure. Having a properly sized OSS also reduces on-going complications with the OSS.	<p>to ensure that an OSS can properly support commercial properties.</p> <ul style="list-style-type: none"> <li>The OSS Program is proposing to move forward with this requirement.</li> </ul>	<p>establishment served by an OSS. The evaluation may also determine that an OSS upgrade is necessary prior to the change of use, but the cost of repairs will decrease because the OSS will be properly sized.</p> <p><b>Who is impacted:</b> Property owners seeking to start or change a commercial establishment on OSS.</p>
<b>OSS Inspections, Operation, and Maintenance</b>				
<b>13.52.010</b>	Removes requirement for \$5,000 bond for holding tanks. Replaces this requirement with following a predetermined pumping schedule or installing a device that monitors tank levels and notifies property owner and pumper when tank needs to be pumped.	Holding tanks are an OSS without a drainfield – the septage must be routinely removed to prevent sewage backing up or surfacing. They used to only be used on commercial sites, but now more residential properties use them for repairs when there are no other options. These changes provide a better method for the OSS Program to track the pumping	<ul style="list-style-type: none"> <li>Input shows that it’s important to make sure there are no raw sewage discharges from holdings tanks.</li> <li>Property owners also emphasized the importance of having options for how to maintain their OSS.</li> <li>This revision gives the property owner options, as well as a better method to</li> </ul>	<p><b>Cost:</b> If owner decides to use a notification device, the cost for installation will increase by \$1,000-2,000. No other impact anticipated.</p> <p><b>Who is impacted:</b> Property owners with holding tank OSS. There are approximately 100</p>

Code section	Proposed change	Rationale	Public Input	Anticipated impact
		to ensure that holding tanks are managed well.	ensure that the tank is pumped as needed.	holding tanks in King County.
<b>13.60.010</b>	Reduces required inspection frequency for proprietary technology and commercial and food establishments from every 6 months to annually.	This change balances the need to inspect complex OSS to ensure that they are functioning properly to protect public health with reducing costs to property owners. It removes a requirement that is more stringent than the WAC 246-272A minimums because it was not determined to be more protective of public health.	<ul style="list-style-type: none"> <li>• There is general support for this change because inspection costs can be challenging for property owners.</li> <li>• Many property owners shared an interest in inspecting their own OSS, which is currently only allowed for gravity OSS. The OSS Program does not have capacity to implement this, so it will be considered in future code proposals.</li> </ul>	<p><b>Cost:</b> Reduced by the cost of one inspection per year (\$300-\$600).</p> <p><b>Who is impacted:</b> Owners of proprietary OSS (for example aerobic treatment units, subsurface drip systems, etc). There are approximately 3,000 proprietary OSS in King County.</p>
<b>13.60.030</b>	Change time of sale inspection timeline to be valid for 12 months instead of 6 months.	The new WAC 246-272A requirement for a time of sale inspection sets a 12-month expiration date. This change ensures consistency across county lines.	<ul style="list-style-type: none"> <li>• Opinions about this proposal were mixed. Realtors tended to support. OSS industry opposed. Property owners' opinions varied. This proposal was selected because it provides consistency while ensuring that good information is provided to the buyer.</li> <li>• The input highlighted that when a property is sold multiple times, the water use</li> </ul>	<p><b>Cost:</b> No anticipated impact.</p> <p><b>Who is impacted:</b> Owners of properties with OSS who are selling the property and OSS maintainers performing OSS inspections.</p>

Code section	Proposed change	Rationale	Public Input	Anticipated impact
			changes, so a new inspection should be required. The proposal incorporates this.	
<b>13.60.005 and 13.60.010</b>	Adds a requirement for all tank access lids to be secured. All service providers must secure lids before leaving property or notify resident that lid could not be secured.	Protecting community health and safety is our highest priority. Unsecured tank lids have resulted in several child deaths in Washington over the past decade. A simple fix like making sure OSS lids are properly screwed down can save lives.	General support for this requirement.	<b>Cost:</b> No anticipated impact. <b>Who is impacted:</b> All certified OSS professionals, OSS owners, and residents.
<b>New section</b>	Require equity impact review when local management plan review is conducted every 5 years.	The local management plan provides more detail about how OSS operation and maintenance codes will be implemented. In accordance with King County Ordinance 16948, this change implements an institutional practice to promote equity and social justice, preventing rules that create barriers.	<ul style="list-style-type: none"> <li>Public input included a lot of pushback against an equity impact review.</li> <li>Because the EIR highlighted this change as one that has a high likelihood of improving equity in King County, the OSS Program chose to keep it in the proposed code revisions.</li> </ul>	<b>Cost:</b> No anticipated impact. <b>Who is impacted:</b> All OSS owners.

## Anticipated Impacts

The proposed code revisions are intended to improve public health and environmental protection, decrease overall costs to OSS owners, and remove barriers to compliance and proper OSS maintenance. The proposals are intended to ensure consistency and clarity and strengthen oversight mechanisms for certified OSS industry professionals. PHSKC does not anticipate any significant fiscal impacts to OSS Program revenue due to the proposed changes.

The OSS Program identified several additional areas that could be improved with more research and data, but insufficient information is available at this time to propose well-informed changes. Some of these topics include the impact of high-efficiency fixtures on OSS sizing requirements, the level of nitrogen treatment required to protect drinking water in Critical Aquifer Recharge Areas, and alternative methods for OSS sizing. Additional research is needed to properly evaluate the impacts of these changes and to ensure that regulations support proper wastewater treatment. Research could be conducted by Washington State universities, in collaboration with local health jurisdictions.

Throughout the code revision process, more community education was identified as a significant need. If the proposed codes are adopted and additional resources are provided through the King County budget process, the OSS Program will continue to expand outreach to community members and provide information about the revisions to OSS owners.

## Timeline

The Washington State Board of Health adopted new OSS requirements in revised Washington Administrative Codes in January 2024. Therefore, the OSS Program is proposing the revisions to King County Board of Health Code (KCBOH) Title 13 also be effective April 1, 2025. In order to meet this timeline, the KCBOH must adopt the Title 13 revisions at least 30 days before April 1. Adoption in February 2025 would meet this timeframe. The KCBOH received a briefing on this topic at the Board's April 18, 2024 meeting.

## Amendments

Upon further review, staff identified a series of technical corrections needed and have prepared a striking amendment for the Board's consideration. Striking Amendment S1 (and accompanying Title Amendment 1) would correct technical errors inadvertently carried over in BOH R&R 24-05 from previous rule amendment drafts, such as restoring an omitted definition and correcting formatting and typographic errors, table headings, mathematical symbols, and an erroneous setback distance value. The striking amendment and title amendment will be distributed with materials for the February 2025 KCBOH meeting.

## Invited

1. Lynn Schneider, OSS Program Supervisor, EHS, PHSKC
2. Corrina Marote, PPM IV, EHS, PHSKC

## **Attachments**

1. Plain language summary of all proposed revisions to BOH Code Title 13
2. Public Health—Seattle & King County Community engagement report
3. Public comments with OSS Program's responses
4. Public Health—Seattle & King County Technical memorandums for key substantive changes to BOH Code Title 13
5. Washington State Department of Commerce confirmation letter, September 30, 2024
6. Washington State Department of Commerce confirmation email, October 14, 2024
7. Letter of support from King County Child Death Review Board, November 13, 2024
8. Letter of comment from Seattle King County Realtors, November 15, 2024
9. Letter of support from Washington State Department of Health, November 1, 2024
10. KC DLS Permitting SEPA Memo Determination of Non-Significance, December 17, 2024
11. Affidavit of Publication in the Seattle Times of DLS Permitting SEPA DNS Comment Period, November 20, 2024