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Washington State Board of Health  
PO Box 47990  
Olympia, WA 98504-7990

Cc: Mason County Board of Health  
411 N 5<sup>th</sup> St  
Shelton, WA 98584  
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Washington State Board of Health:

Our organization is writing in opposition to the Mason County Board of Health's recent request for modifications to WAC 246-272A-0240. Specifically, Mason County requests permission to allow holding tank sewage systems on residential lots which do not meet the minimum land area requirements for an on-site sewage system.

Washington State was wise to ban usage of holding tank sewage systems on residential lots, outside of temporary emergencies and repairs, due to the likelihood of surface sewage dumping. Holding tank sewage systems are quite expensive to maintain, as they require frequent pumping. The incentive exists for residents to limit the frequency of pumping by limiting the amount of sewage entering the tank – by diverting grey water out onto the ground. This risk of grey water diversion is heightened, as Mason County is proposing to authorize these systems as a solution for indigent residents. The key line from Mason County's letter is: "When properly maintained, RV holding tanks do not negatively impact ground and surface water" [emphasis added]. In reality, these tanks are unlikely to be properly maintained secondary to the high cost of such maintenance.

Mason County currently facilitates installation of holding tank sewage systems via a waiver process which is specifically restricted to part-time or seasonal use for septage produced

by RV's. However, Mason County has no means to actively monitor duration of usage, thereby permitting these systems to be used on a permanent basis. Nor is it Mason County's intent to enforce the part-time usage requirement, as demonstrated in the language to the WA BOH whereby Mason County suggests that installation of holding tank sewage systems on undersized lots could provide housing opportunities to address the current housing shortage. That infers permanent use, not part-time. Accordingly, Mason County's request should be viewed as nothing less than an attempt to end-run the restrictions of WAC 246-272A-0240 and thereby weaken on-site sewage standards in the County.

As further evidence of intent, it should be noted that at the same time Mason County Environmental Health is requesting this code change from the Washington State Board of Health they are also seeking permission from the local Board of Health to simply ignore WAC 246-272A-0240 until/if the State amends the code, thereby allowing holding tank sewage systems – specifically including porta potties – on all undeveloped residential lots. A copy of the proposed policy waiver is attached. Though it discusses the need for the waiver on undersized lots, glaringly **it does not require status as an undersized lot in order to secure the code enforcement deferral**. The members of the Mason BOH represent disparate agencies and backgrounds; they understandably are unfamiliar with the intricacies of local and state code and therefore rely on Environmental Health to explain such issues (clear examples of this reliance can be viewed at the September 23, 2025 BOH meeting, available via Mason Web TV at [https://www.youtube.com/watch?v=\\_zxdBp\\_M9Ao](https://www.youtube.com/watch?v=_zxdBp_M9Ao), beginning at 1 hour 6 minutes). The language of the proposed policy waiver clearly documents Environmental Health using a sympathetic narrative regarding undersized lots to cajole the Mason BOH into approving a policy waiver which in fact would extend permanent use of porta potties to ALL undeveloped residential lots in the County.

Setting aside the audacity of a County health agency seeking permission to ignore STATE health code, the actions of Environmental Health in disguising the true scope of their request from the Mason County BOH should cause the Washington State Board of Health to look upon any request from Mason County with a jaundiced eye.

Prior to the establishment of Taxpaying Citizens of Golden Pheasant, Mason County Environmental Health was authorizing permanent usage of porta potties on undeveloped residential lots in violation of WAC 246-272A-0240. Following the intervention of our attorney in a code enforcement case where failure to abide by WAC 246-272A-0240 was a central issue, Environmental Health has been looking for a way around the code. This letter to the WA BOH and the request for a policy waiver from the Mason County BOH is a power move – to create cover for the authorization of illegal permanent porta potty use. We ask the Washington State Board of Health to afford no such cover. Allow the residents of Mason

County to continue to advocate for themselves. If you agree to the requested code changes, and if the proposed policy waiver is approved, Mason County residents will have no ability to remedy septic violations affecting their wells and health. Problem residents will simply shield themselves either by installing an RV holding tank or by placing a porta potty in their front yard, while their wastewater continues to flow to ground and pollute adjacent drinking wells, wetlands, and shorelines. It is shocking for any Public Health Department to advocate for such policies, given the field of Public Health can trace its foundations to Dr. John Snow removing a pump handle from a London well and proving that a local cholera outbreak stemmed from sewage contamination of drinking water. Mason County should consider hiring more physicians and fewer ideologues.

Your decisions have consequences that reach far beyond sewage regulations. In unincorporated Mason County, there is a strong correlation between parcels with unpermitted living conditions and criminal behavior – to include illegal drug manufacturing, illegal gun trafficking, prostitution for drugs, property crimes, etc. Taxpaying Citizens of Golden Pheasant is working with residents in the Lake Isabella region to identify these parcels, document the behavior, and advocate for code enforcement to address the problem. Local Sherriff's Deputies have clearly stated this is a code enforcement and not a law enforcement issue – that proper code enforcement would remove much of the criminal element from our neighborhoods. If Environmental Health is successful in passing their proposed waiver and convincing you to amend code, we will lose the biggest tool we have to combat these problem parcels – which nearly universally lack functioning septic systems. You can hear several Lake Isabella residents describe what they are suffering through during the first 35 minutes of the September 23, 2025 Mason BOH meeting, accessed here: [https://www.youtube.com/watch?v=zxdBp\\_M9Ao](https://www.youtube.com/watch?v=zxdBp_M9Ao).

Our organization is a firm believer in Federalism – that a local government should be free to make its own decisions, even if detrimental to its citizens, up to and until those decisions impact adjacent jurisdictions. It is up to those of us who reside in Mason County to oppose such detrimental policies. However, here Mason County is asking Washington State to export the county's mistakes state-wide. It would be wise for the Washington State Board of Health to decline.

Accordingly, we respectfully ask that you deny Mason County's request to amend WAC 246-272A-0240, continue to prohibit permanent use of holding tank sewage systems (whether an in-ground tank or a porta potty) on residential lots, and refuse to permit waivers for holding tank sewage systems on undersized lots. Further, we encourage you to adopt rules requiring proof of part-time or seasonal use, certified annually, for utilization of an RV holding tank on

a lot of any size in order to prevent the waiver process from being abused as a means to avoid septic regulations.

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### Enclosures:

- Mason County's Letter to the WA BOH
- Mason County Environmental Health's request for a policy waiver regarding holding tanks sewage systems on undeveloped residential lots
- Taxpaying Citizens of Golden Pheasant's request for modifications to Environmental Health's proposed policy waiver
- Satellite images showing local parcels with residents living permanently in unpermitted structures with either damaged (circled in pink) or absent septic drain fields in proximity to adjacent drinking wells and/or the shoreline of Lake Isabella