

# Chapter 246-280 WAC

## RECREATIONAL SHELLFISH BEACHES

**WAC**

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**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

- 246-280-040 Marine water quality testing. [Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-280-040, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. WSR 89-20-020 (Order 335), § 248-52-040, filed 9/27/89, effective 10/28/89.] Repealed by WSR 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
- 246-280-050 Shellfish meat quality standards and testing. [Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-280-050, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. WSR 89-20-020 (Order 335), § 248-52-050, filed 9/27/89, effective 10/28/89.] Repealed by WSR 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
- 246-280-080 Public information and notification. [Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-280-080, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. WSR 89-20-020 (Order 335), § 248-52-080, filed 9/27/89, effective 10/28/89.] Repealed by WSR 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

**WAC 246-280-001 Authority, purpose, and scope.** (1) Authority. Under the authority of RCW 43.20.050, powers and duties of state board of health, these regulations are hereby established as minimum requirements for the monitoring and classification of recreational shellfish beaches.

(2) Purpose. It is the purpose of chapter 246-280 WAC to protect public health and establish procedures for evaluating the sanitary quality of recreational shellfish beaches.

(3) Scope.

(a) These regulations shall apply to recreational shellfish beaches under public ownership. Commercial shellfish harvest, even though it may occur on publicly owned beaches, is governed by chapter 246-282 WAC and chapter 69.30 RCW.

(b) These regulations shall apply to recreationally harvested shellfish on privately owned beaches when the general public has unlimited access to beaches for recreational shellfishing. The department may evaluate and monitor these privately owned beaches if the department determines it to be in the public interest.

(4) Other statutes related to this chapter are:

- (a) Chapter 69.30 RCW, sanitary control of shellfish; and
- (b) Chapter 246-282 WAC, sanitary control of shellfish.

[Statutory Authority: RCW 43.20.050. WSR 92-02-019 (Order 225B), § 246-280-001, filed 12/23/91, effective 1/23/92; WSR 91-02-051 (Order 124B), recodified as § 246-280-001, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. WSR 89-20-020 (Order 335), § 248-52-001, filed 9/27/89, effective 10/28/89.]

Statutory Authority: Chapter 90.70 RCW. WSR 89-20-020 (Order 335), § 248-52-001, filed 9/27/89, effective 10/28/89.]

**WAC 246-280-010 Definitions.** (1) Abbreviations:

- (a) "ml" means milliliter; and
  - (b) "PSP" means paralytic shellfish poisoning.
- (2) "Beach evaluation" means the examination of the sanitary conditions of recreational shellfish beaches through water quality testing, shellfish tissue testing, PSP testing, and sanitary surveys.

(3) "Beach inventory" means the department's list of recreational shellfish beaches governed by chapter 246-280 WAC.

(4) "Closed classification" means a beach exceeds the standards for safe shellfish harvest.

(5) "Conditionally open classification" means a recreational shellfish beach meets the standards for safe shellfish harvest during well-defined time periods, such as dry weather months, and is closed to shellfish harvest when the standards are exceeded.

(6) "Department" means the Washington state department of health (DOH).

(7) "Emergency closure" means temporary closure of a recreational shellfish beach when a contamination event is suspected of impacting an open or conditionally open beach.

(8) "Geometric mean value" means a statistical calculation giving a mean value of data points. Geometric mean value is a term used in state water quality standards. The calculation is:

- (a)  $a \times b \times c \times d = y$ ; and
- (b)  $n$ th root of  $y =$  geometric mean value.  $N =$  number of data points which determines the power of the root.

(9) "Health officer" means the health officer or an authorized representative of the city, county, city-county health department or district.

(10) "Local board of health" means the city, town, county, city-county, or district board of health as defined under chapters 70.05, 70.08, and 70.46 RCW.

(11) "Open classification" means a recreational shellfish beach which complies with WAC 246-280-030 standards for safe shellfish harvest without any restrictions due to health hazards.

(12) "Paralytic shellfish poisoning (PSP)" means a human illness caused by eating shellfish that contain high levels of toxin which results from the shellfish consuming large amounts of toxin-producing microscopic marine organism called *Gonyaulax catenella*.

(13) "Public ownership" means owned by the federal government, state government, a county, a city, or a port district.

(14) "Recreational shellfish beach" means any beach under public ownership available to the public and any privately owned beach where the general public has unlimited access to recreationally harvest shellfish.

(15) "Recreational shellfish harvest" means to harvest shellfish for personal consumption with no intention for sale or barter.

(16) "Sanitary survey" means an evaluation of the sanitary conditions of the shoreline and uplands of a recreational shellfish beach.

(17) "Shellfish" means, for the purposes of chapter 246-280 WAC, all varieties of oysters, clams, mussels, and scallops.

(18) "Unclassified" means a recreational shellfish beach which does not have an initial classification because the department has incomplete sanitary survey data.

(19) "Water quality study" means an evaluation of the sanitary conditions of the marine water of a recreational shellfish beach described under WAC 246-280-030 and 246-280-040.

[Statutory Authority: RCW 43.20.050. WSR 92-02-019 (Order 225B), § 246-280-010, filed 12/23/91, effective 1/23/92; WSR 91-02-051 (Order 124B), recodified as § 246-280-010, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. WSR 89-20-020 (Order 335), § 248-52-005, filed 9/27/89, effective 10/28/89.]

**WAC 246-280-015 General administration.** (1) The department and the health officer for each local health jurisdiction shall develop a joint plan of operation designating the roles of each agency for administering chapter 246-280 WAC. This plan shall:

- (a) Specifically designate those recreational shellfish beaches included in the joint plan;
- (b) Establish whether the department or the health officer shall assume primary responsibility for an identified beach;
- (c) Provide for a minimum acceptable frequency of beach evaluation;
- (d) Specify who has responsibility for water quality studies, sanitary surveys, PSP monitoring, beach classification, and public notification;
- (e) Be signed by the secretary and the chairperson of the local board of health;
- (f) Be updated as needed to ensure proper operation of the plan; and
- (g) Identify a process for implementing remedial actions to correct pollution sources where deemed appropriate by the department for those beaches classified as closed or conditionally open.

(2) If the local board of health adopts rules governing recreational shellfish harvest within its jurisdiction, the adopted rules shall be consistent with chapter 246-280 WAC.

(3) The department shall develop guidelines on water quality monitoring, PSP monitoring, shoreline survey procedures, public information/notification, and other topics.

(4) Throughout this chapter, the term "health officer" may be substituted for the term "department" if the joint plan of operation delegates authority for action to the health officer.

[Statutory Authority: RCW 43.20.050. WSR 92-02-019 (Order 225B), § 246-280-015, filed 12/23/91, effective 1/23/92; WSR 91-02-051 (Order 124B), recodified as § 246-280-015, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. WSR 89-20-020 (Order 335), § 248-52-010, filed 9/27/89, effective 10/28/89.]

**WAC 246-280-020 Recreational shellfish beach classification.** (1) The department or the health officer for each

local health jurisdiction as designated in the joint plan of operation, under WAC 246-280-015, shall classify recreational shellfish beaches, based on the risk to public health from consuming shellfish. After completing an initial classification, the department or the health officer for each local health jurisdiction shall make an annual update based on the additional data collected during the year.

(2) The joint plan of operation's criteria used to classify beaches shall include the following:

- (a) Water quality data;
- (b) A sanitary survey of pollution sources; and
- (c) A review of natural and synthetic toxins, including PSP.

(3) The department shall classify recreational shellfish beaches as follows:

- (a) Open;
- (b) Conditionally open;
- (c) Closed;
- (d) Emergency closure; and
- (e) Unclassified.

[Statutory Authority: RCW 43.20.050. WSR 92-02-019 (Order 225B), § 246-280-020, filed 12/23/91, effective 1/23/92; WSR 91-02-051 (Order 124B), recodified as § 246-280-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. WSR 89-20-020 (Order 335), § 248-52-020, filed 9/27/89, effective 10/28/89.]

**WAC 246-280-030 Water quality criteria and standards.** (1) The department shall classify the beach as open when the following three conditions are met:

- (a) The marine water covering a recreational shellfish beach shall not exceed a geometric mean value of fourteen fecal coliform bacteria/100 ml of water. In addition, not more than ten percent of the individual water samples may exceed forty-three fecal coliform bacteria/100 ml of water. The geometric mean value shall be calculated on no less than fifteen samples for each water quality station;
- (b) Upon completion of a sanitary survey, there are no major sources of pollution of public health significance identified as affecting the beach; and
- (c) Natural and synthetic toxin levels shall not exceed established standards.

(2) The department shall classify the beach as conditionally open when standards for open criteria are met during a well-defined and predictable time period, such as dry weather months. Use of the conditionally open classification shall be limited to beaches where sufficient data are available to establish the beach meets the open criteria for well-defined time periods.

(3) The department shall classify a beach as closed for failing to meet the open or conditionally open standards and the beach shall not be used for recreational shellfish harvest.

(4) The department shall list a recreational shellfish beach as unclassified until complete sanitary data are available. The department shall list initially the beach as unclassified on the beach inventory.

(5) In the event an open or conditionally open beach is suspected of being impacted by a source of pollution or other threat to public health, the department shall implement an emergency closure immediately. The closure shall remain in effect until the department's investigation verifies the beach is safe for recreational shellfish harvesting.

[Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-280-030, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. WSR 89-20-020 (Order 335), § 248-52-030, filed 9/27/89, effective 10/28/89.]

**WAC 246-280-060 Recreational shellfish beach sanitary survey.** In addition to the evaluation of the shellfish growing waters, and before establishing a classification for the beach, the department shall conduct a sanitary survey of the shoreline and upland areas located adjacent to recreational shellfish beaches. The sanitary survey shall be updated as necessary to reflect changes in shoreline and upland sanitary conditions. A sanitary survey shall consist of:

- (1) Identifying and evaluating point source discharges in the vicinity of the beach;
- (2) Evaluating all on-site sewage disposal systems in the survey area; and
- (3) Evaluating impacts from other nonpoint sources in the area, such as animal waste and stormwater.

[Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-280-060, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. WSR 89-20-020 (Order 335), § 248-52-060, filed 9/27/89, effective 10/28/89.]

**WAC 246-280-070 PSP monitoring of recreational beaches.** (1) The department shall conduct a paralytic shellfish poisoning (PSP) monitoring program for recreational shellfish beaches.

(2) The department shall coordinate the monitoring program with the health officer. The joint plan of operation developed between the department and the health officer shall include the following elements:

- (a) A sampling schedule which includes the beaches sampled and the frequency of the sampling;
- (b) Designation of responsibility for a sample collection; and
- (c) A system of establishing beach closures due to PSP which includes:
  - (i) Closing the beach when the level of toxin exceeds 80 micrograms of toxin per 100 grams of shellfish meat;
  - (ii) Maintaining the beach closure until two consecutive samples of the same species test below the standard of 80 micrograms of toxin per 100 grams of shellfish meat; and
  - (iii) Closing beaches suspected of posing a PSP threat to public health when they are located in a PSP-impacted area that cannot be sampled on a frequent basis. The beaches shall remain closed until samples verify the area is safe to reopen.

[Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-280-070, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 90.70 RCW. WSR 89-20-020 (Order 335), § 248-52-070, filed 9/27/89, effective 10/28/89.]