

**Department of Health
Office of Environmental Health and Safety**

Notice of Adoption – Interpretive Statement

Title: Requirements for privately owned OSS serving more than one development | EHS-02-2026

Issuing Entity: Department of Health

Subject Matter: Clarifies how the Department of Health interprets requirements of WAC [246-272A-0200\(6\)](#), Privately owned on-site sewage systems (OSS) serving more than one development.

Effective Date: February 23, 2026

Contact Person: Todd Phillips, todd.phillips@doh.wa.gov, 360-236-3302

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 18, 2026

TIME: 11:23 AM

WSR 26-07-092

Washington State Department of Health

Office of Environmental Health and Safety

To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email doh.information@doh.wa.gov.

Interpretive Statement

Title:	Requirements for privately owned OSS serving more than one development
Interpretive Statement Number:	EHS-02-2026
References:	Chapter 246-272A WAC
Contact:	Todd Phillips, Director, Office of Environmental Health & Safety
Phone:	360-236-3302
Email:	todd.phillips@doh.wa.gov
Effective Date:	February 23, 2026
Supersedes:	None
Approved By:	Todd Phillips

This interpretive statement clarifies the Department of Health’s (department) interpretation of the requirements in WAC 246-272A-0200(6) for on-site sewage systems (OSS) serving more than one development and provides guidance to local health officers. WAC 246-272A-0200(6) states, “An applicant for a permit to install an OSS serving more than one development must submit an application that proves the OSS:

- (a) Is owned or managed in perpetuity by a public entity;
- (b) Is described in a separate writing including, but not limited to, an easement, covenant, contract, or other legal document authorizing access for construction, operation maintenance, and repair; and
- (c) If owned privately, is adequately financed.”

The department received multiple questions from local health officers regarding this section, which covered the following:

- Whether the section applies only to more than one parcel sharing an OSS, or also when a single parcel contains more than one development.

- Specific requirements applicable to OSS owned by public entities versus private owners.
- Clarification on the meaning of "public entity"
- Clarification on the meaning of "adequately financed"

The department interprets this section of the rule to apply to all residential or commercial developments. Developments is defined in WAC 246-272A-0010(20) as “the creation of a residence, structure, facility, subdivision, site, area, or similar activity resulting in the production of sewage.” Therefore, developments on a single parcel and developments on multiple parcels sharing an OSS, regardless of common or separate ownership, are subject to the requirements of this section.

WAC 246-272A-0200(6) is structured so that the requirements in subsections (a), (b), and (c) may apply to a permit application. However, subsections (a) and (c) are mutually exclusive and cannot both apply to the same application. If the permit applicant is a public entity, then subsection (a) applies. If the applicant is a private owner, the subsection (c) applies. This requires a logical test of the applicant's status as either a public entity or private owner. Subsection (b) applies to all applicants.

The department uses the definition of “public entity” from the large onsite sewage system rule, WAC 246-272B-01100, for application to chapter 246-272A WAC. Under WAC 246-272B-01100(80) “public entity” means a municipal corporation such as a city; town; county; water, sewer, or water-sewer district; public utility district; port district; or federal, state, or local agency.

For the purposes of guiding local health officers, the department interprets “adequately financed” to mean the permittee must provide documentation to the local health jurisdiction demonstrating financial capacity to fund the maintenance of the OSS. This may include one or more of the following:

- Proof of an account with funds dedicated to financing the OSS,
- A user agreement establishing an obligation to pay costs related to the OSS, or
- Notice recorded on the property title requiring a maintenance contract.

This interpretive statement will remain in effect until permanent rule changes are adopted or this interpretive statement is rescinded.