

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

Notice of Adoption – Interpretive Statement

Title: Applying minimum horizontal separations from on-site sewage system components to surface water used as a public drinking water source | EHS-04-2026

Issuing Entity: Department of Health

Subject Matter: Advises local health officers how the Department of Health interprets RCW 70.05.070 in relation to requirements in WAC 246-272A-0210 for on-site sewage system components to meet minimum horizontal separations to surface water used as a public drinking water source.

Effective Date: May 1, 2026

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

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Washington State Department of Health
Office of Environmental Health and Safety

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Interpretive Statement

Title:	Applying minimum horizontal separations from on-site sewage system components to surface water used as a public drinking water source .
Interpretive Statement Number:	EHS-04-2026
References:	Chapter 246-272A WAC , WAC 246-272A-0210 , WAC 246-290-135 , and RCW 70.05.070
Contact:	Todd Phillips, Director, Office of Environmental Health & Safety
Phone:	360-236-3302
Email:	todd.phillips@doh.wa.gov
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Approved By:	Todd Phillips, Director, Office of Environmental Health & Safety

This interpretive statement clarifies the department’s interpretation of RCW 70.05.070 in relation to WAC 246-272A-0210 for on-site sewage system (OSS) components to meet minimum horizontal separations, or setbacks, to public drinking surface water sources.

Table IV of WAC 246-272A-0210 establishes the following setbacks to surface water, measured from the ordinary high-water mark, when the surface water is used as a public drinking water source:

- 200 feet from edge of soil dispersal component and reserve area,
- 200 feet from sewage tank and distribution box, and
- 100 feet from building sewer and nonperforated distribution pipe.

RCW 70.05.070 gives the local health officer (LHO) the duty and authority to enforce the rules of the State Board of Health and to act as is necessary to maintain health and sanitation in their jurisdiction. The department interprets this authority to include a determination of whether

surface water at a specific point along a waterbody is functionally used as a public drinking water source, based on factors such as:

- Proximity to drinking water intakes,
- The direction and rate of flow of the waterbody,
- Site-specific characteristics that may increase risk to drinking water, and
- The potential risk to public drinking water supplies, for the purpose of ensuring compliance with chapter 246-272A WAC.

The department encourages LHOs to consult with the affected drinking water system purveyor prior to making such determinations based on the requirements in WAC 246-290-135(4).

For the purposes of this interpretive statement, “public drinking water surface water source” means the portion of the water body that is in the vicinity of the surface water intake.

This interpretive statement will remain active until permanent rule changes are in place or it is rescinded.