

Concise Explanatory Statement

On-Site Sewage Systems, chapter 246-272A WAC

WAC 246-272A-0210 Table IV, Minimum Horizontal Separations Location

Comment Summary	Table IV has no mention of setbacks from an <u>intake</u> for surface water used as drinking water. So, are the setbacks listed equally applied to a drinking water intake as for a simple run of the river?
Response Summary	The setback to surface water used as a drinking water source applies to the edge of the surface water, measured from the ordinary high-water mark. The setback is intended to protect surface water that is functionally used as a drinking water source. We interpret the LHO's 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. This determination should be based on site specific variables, such as the direction and rate of flow of the surface water. We are not, however, able to provide exact locations of water intakes, due to risks associated with making this information publicly available.
Department's Recommendation	No change to proposed rule.
Board Action	Accepted as proposed
Comment Summary	Table IV shows different setback requirements for "public" and "nonpublic" drinking water springs. Why is that? Wouldn't the risk of contamination be the same regardless of ownership or population size?
Response Summary	The risk of contamination is assumed to be the same for public and non-public drinking water springs. The risks associated with contamination of these different springs is, however, variable. Public drinking water springs serve a larger population and therefore have a higher risk associated with contamination. This is the reasoning for us originally assigning different setbacks for them. Moreover, WAC 246-290-135 requires a 200-foot sanitary control area (SCA) for springs used as sources by public water systems. There is no analogous rule for springs used as non-public drinking water sources. We adjusted the setback to springs used as a public drinking water source to bring WAC 246-272A into agreement with WAC 246-290. We decided to leave the setback associated with springs used as non-public drinking water sources as they have been (rather than changing them to match public drinking water

	springs) to avoid further unintended consequences and impacts without appropriate engagement of impacted parties. We plan to reevaluate and consider further changes to these setbacks in a future rulemaking process when we can engage impacted communities in a more thoughtful and deliberate manner.
Department's Recommendation	No change to proposed rule.
Board Action	Accepted as proposed
Comment Summary	Northeast Tri County Health District has reviewed the proposed changes to Chapter 246-272A WAC and is supportive of the proposed changes. Changing the setbacks back to the previous standard still provides adequate protection for surface water, and is consistent with the Large On-Site Sewage regulations, Chapter 246-272B. Thank you again for listening to our request and initiating the rule making process to make these appropriate changes.
Response Summary	We appreciate your feedback and support throughout this rulemaking.
Department's Recommendation	No change to proposed rule.
Board Action	Accepted as proposed
Comment Summary	Thank you for your continued work on the proposed changes to Chapter 246-272A of the Washington Administrative Code. Restoring the previous setback standards is an important issue for many residents of Pend Oreille County. The reversion would continue to provide strong protections for our surface water and aligns well with the existing Large On-Site Sewage regulations outlined in Chapter 246-272B. On a personal note, this change would bring renewed hope to many of my constituents who have spent years planning and saving for the opportunity to build a home. For some, the recent setback revisions put those long-held plans out of reach. Returning to the prior standard would allow them to

	move forward with those dreams once again. I appreciate your thoughtful consideration of this matter. Thank you for your time, attention, and service to the people of Washington.
Response Summary	We appreciate your feedback and support throughout this rulemaking.
Department's Recommendation	No change to proposed rule.
Board Action	Accepted as proposed



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