

DATE: December 29, 2025

TO: Kathleen Buchli, Code Reviser

FROM: Tami Thompson, Regulatory Affairs  
Manager

*Tami M. Thompson*

SUBJECT: Rescind Interpretive Statement | Planning Requirements for Systems  
Physically Consolidating with Other Public Water Systems Filed as WSR 01-10-133

This memo serves as notice that the Department of Health (department) is rescinding an interpretive statement titled “Planning Requirements for Systems Physically Consolidating with Other Public Water Systems” which was filed May 2, 2001, and published as WSR 01-10-133.

The interpretive statement clarified which planning requirements under WAC 246-290-100 and WAC 246-290-105 apply to public water systems undergoing physical restructuring. The department is rescinding this interpretive statement due to adopted changes to WAC 246-290-100 and WAC 246-290-105 regarding planning requirements. Consequently, the interpretive statement is no longer necessary.

Individuals requiring additional information on this should contact Mike Means, Water Quality, Policy, and Certification Manager for the Office of Drinking Water at [mike.means@doh.wa.gov](mailto:mike.means@doh.wa.gov).

Thank you for your attention to this matter.

cc: Mike Means, Water Quality, Policy, and Certification Manager

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: January 27, 2026

TIME: 2:56 PM

WSR 26-04-058



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
PO Box 47879 • Olympia, Washington 98504-7879

April 17, 2001

**To:** Interested Parties  
**From:** Alan Rowe  
**Subject:** Interpretative Statement Summary

**Title of Interpretive Statement:** Planning Requirements for Systems Physically Consolidating with Other Public Water Systems. Section: WAC 246-290-020(2)

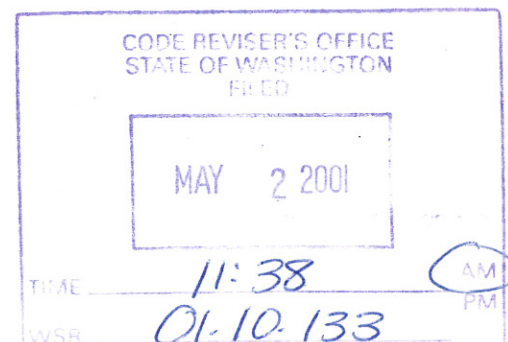
**Issuing Entity:** Alan Rowe, Operations Manager  
Division of Drinking Water

**Description of Subject Matter:**

This statement clarifies what planning requirements under WAC 246-290-100 or WAC 246-290-105 will apply to public water systems (PWSs) that are undergoing physical restructuring (consolidation with another regulated PWS.) These are PWSs that specifically intend to meet the conditions of WAC 246-290-020(2) such that they may be deregulated once they are consolidated with the other regulated PWS. These planning requirements will be the same for PWSs applying for Drinking Water State Revolving Fund (DWSRF) loans to restructure physically and consolidate with another regulated PWS.

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**Effective Date:** April 17, 2001



# Consistency Statement

April 17, 2001

**Topic:** Planning Requirements for Systems Physically Consolidating with Other Public Water Systems.  
Section: WAC 246-290-020(2)

**Issue/Question:** What, if any, planning requirements should apply to public water systems (PWSs) that are undergoing physical restructuring (consolidation with another regulated PWS) and intend to meet the conditions of WAC 246-290-020(2) once they are restructured? Should the planning requirements be the same for PWSs applying for Drinking Water State Revolving Fund (DWSRF) loans to restructure physically and consolidate with another regulated PWS?

**Discussion:** WAC 246-290-020(2) identifies the conditions that PWSs must meet before Chapter 246-290 WAC no longer applies to them. When a system meets all of the conditions, it (as a specific entity) is usually deregulated, meaning that it is no longer expected to comply with PWS requirements identified in Chapter 246-290 WAC. This includes the planning requirements in WAC 246-290-100 "Water system plan" (WSP) or WAC 246-290-105 "Small water system management program" (SWSMP). The conditions and process for deregulation are further clarified by the Department's "Purchasing Systems" policy, A.06, adopted in September 1994.

Consistent with Washington's capacity strategy, DWSRF program guidelines require water systems applying for funding to have an approved WSP/SWSMP that includes the proposed project. There has been inconsistent direction, however, to staff and applicants regarding planning requirements for projects that involve restructuring. The year-2000 loan cycle included three projects located in two regions that would connect a mobile home park with its own PWS to a municipal water system. The SWSMP was waived by one of the regional offices for two of the mobile home parks because the projects were contained in the municipal water systems' WSPs and therefore considered sufficient. For the third project, even though the municipal water system's WSP included the mobile home park project, the regional office required the mobile home park to do a SWSMP due to a departmental order being issued. The message given to the third applicant is inconsistent with that given to the other two.

## Decision:

- Whenever a project involves physical restructuring of a PWS (consolidating one PWS into another PWS) such that it (PWS1) will meet the conditions to be deregulated once the project is complete, the PWS to remain following consolidation (PWS2) can satisfy the planning requirements for PWS1. The planning requirements for PWS1 are met if the service area identified in the approved WSP of PWS2 includes the service area of PWS1 and the physical capacity of PWS2 is sufficient to serve PWS1. If the WSP must be revised, a letter update may be sufficient to meet the requirements. Meeting DOH planning requirements, however, shall not be construed as satisfying other applicable state or local government planning requirements.
- This decision also applies for PWSs applying for DWSRF loans for the purposes of physically restructuring to consolidate with another regulated PWS. Including the service area of PWS1 within the service area of the approved WSP of PWS2 will be interpreted as specifically and satisfactorily addressing the restructuring project in the WSP of PWS2.
- Once an application for DWSRF funds is received from PWS1 for their project, enforcement of the planning requirements previously invoked shall be deferred, pending good faith effort to complete the project. Any enforcement documents issued to PWS1, except for previously issued penalties, shall be modified as necessary to reflect this decision. The enforcement action will be considered closed when the physical restructuring project is completed (constructed) and accepted (construction completion report submitted to DOH).