



Kittitas County, Washington
BOARD OF COUNTY COMMISSIONERS

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July 24, 2026

The Honorable Dennis Worsham
Secretary of Health
Washington State Department of Health
P.O. Box 47890
Olympia, WA 98504-7890

Re: Request for Written Formal Interpretation or Guidance Regarding WAC 246-272A-0320

Dear Secretary Worsham,

As I prepare to conclude my service as a Kittitas County Commissioner at the end of this month, I am taking the opportunity to write one last official letter before leaving office. After reflecting on the many issues I have had the privilege to work on over the past several years, I chose to use this correspondence to seek clarification on a question that I believe has implications well beyond Kittitas County. My hope is that this request will promote consistency in the administration of state regulations, strengthen collaboration between local governments and public health agencies, and ultimately improve public confidence in the regulatory process.

One of the relationships I have valued most during my tenure has been the partnership between the Kittitas County Board of Commissioners and Kittitas County Public Health. Throughout my service, our Board has worked closely with our Public Health Department and our Public Health Officer, Dr. Mark Larson. While we have occasionally viewed difficult policy questions through different lenses, our discussions have consistently been characterized by professionalism, mutual respect, and a shared commitment to protecting the health and well-being of our citizens. That relationship has been one of the strengths of county government, and it is my sincere hope that it continues long after my departure.

With that in mind, I hope this request can contribute to that partnership by seeking clarity on an issue that has become increasingly difficult for local governments to administer consistently.

I respectfully request a written formal interpretation or other written guidance from the Washington State Department of Health regarding WAC 246-272A-0320 as it applies to existing wells during subdivision review.

Specifically, I seek clarification regarding whether the Department intends the rule to require decommissioning and replacement of an existing, lawfully constructed well solely because an

existing residence, road, or other existing improvement lies within the required 100-foot water supply protection zone.

I fully appreciate and support the Department's responsibility to protect public drinking water. After reviewing the rule, however, I have been unable to identify language expressly requiring abandonment of an existing lawful well under these circumstances. WAC 246-272A-0320 requires a 100-foot water supply protection zone and provides mechanisms for accommodating that protection zone through lot configuration or recorded restrictive covenants. The recent amendments authorizing protection zones to extend across property lines through restrictive covenants appear to provide additional flexibility for existing development, leading me to question whether the rule is intended primarily to preserve existing wells while preventing the introduction of future contamination sources.

I would also appreciate clarification regarding what the Department intends to constitute a "potential contamination source" within the context of the rule. Local governments frequently encounter questions regarding whether existing residences themselves are considered contamination sources or whether the concern is directed toward associated infrastructure such as septic tanks, drainfields, fuel storage, chemical storage, or other recognized threats to groundwater quality.

A related issue has become increasingly challenging for counties across Washington. The Department of Ecology's well construction and location regulations establish one set of standards governing the construction and protection of wells. During subdivision review, however, Department of Health requirements are often interpreted in a manner that can effectively require replacement of a well that fully complies with Ecology's regulations and may have safely served a residence for decades.

I recognize that the Department of Ecology and the Department of Health have distinct statutory responsibilities and different regulatory objectives. Nevertheless, from the perspective of property owners and local governments, these differing standards can be difficult to reconcile. Counties are frequently placed in the position of explaining why a well that satisfies one state agency's requirements may nonetheless be unsuitable under another agency's interpretation. Additional guidance explaining how these regulatory frameworks are intended to complement one another would greatly assist local governments in administering them consistently and transparently.

Washington continues to face significant challenges in providing affordable housing and maintaining opportunities for families to build, divide, and transfer property. Local governments have a responsibility to protect public health while also ensuring that regulations are administered in a manner that avoids unnecessary costs whenever the law allows. When an existing, lawfully constructed well has safely served a property for many years, requiring its replacement can add tens of thousands of dollars to the cost of creating new housing opportunities or transferring property to the next generation. Clarification from the Department regarding the intended application of WAC 246-272A-0320 would help ensure that public health protections remain robust while avoiding regulatory costs beyond those the rule was intended to require.

Given these significant practical implications, I respectfully request clarification on the following questions:

1. Does WAC 246-272A-0320 require decommissioning and replacement of an existing lawful well solely because existing improvements are located within the required 100-foot water supply protection zone during subdivision review?
2. Is the purpose of the required protection zone primarily to prevent the introduction of future contamination sources, or is it intended to require correction of existing site conditions regardless of the well's historical performance and legal status?
3. What specific features does the Department intend to be considered "potential contamination sources" for purposes of applying WAC 246-272A-0320?
4. How does the Department recommend local jurisdictions reconcile the differing regulatory approaches between Department of Health subdivision requirements and the Department of Ecology's well construction and location regulations?

I am not seeking this clarification to challenge the professional judgment of our local public health officials. In fact, my intention is quite the opposite. I believe written guidance from the Department would provide a common foundation for state agencies, local health jurisdictions, planners, elected officials, and property owners alike. It would reduce uncertainty, promote consistent application of the law across Washington, and allow local officials to administer these regulations with greater confidence that they reflect the Department's intent.

As I conclude my service to Kittitas County, it is important to me that I leave behind not only projects and policies, but strong relationships. I believe written guidance from the Department would reinforce the collaborative partnership that exists between the Board of County Commissioners, Kittitas County Public Health, and our Public Health Officer by ensuring that future discussions begin from a shared understanding of the Department's interpretation of the law. In my view, that shared understanding will strengthen both public health protection and public confidence in the regulatory process.

Thank you for your consideration of this request and for your continued leadership in protecting the health of Washington's communities. I would be grateful for a written formal interpretation or other written guidance the Department is able to provide regarding these questions. I believe such guidance would serve local governments, local health jurisdictions, property owners, and the Department alike by promoting consistency, transparency, and confidence in the administration of Washington's public health regulations.

Sincerely,



Cory Wright
Kittitas County Commissioner

Cc: Ms. Chelsey Loeffers
Director, Kittitas County Public Health Department

Dr. Mark Larson
Kittitas County Public Health Officer

Mr. Chad Bala
Director, Kittitas County Community Services Department

Ms. Jaime Bodden
Managing Director, Washington State Association of Local Public Health Officials

Mr. Derek Young
Executive Director, Washington State Association of Counties

Ms. Holly Myers
Director, Office of Drinking Water
Washington State Department of Health

Ms. Laura Johnson
Director, Office of Environmental Public Health Sciences
Washington State Department of Health

Ms. Kristin Peterson, J.D.
Chief of Policy, Executive Office of Government and Community Affairs
Washington State Department of Health

Washington State Board of Health