



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: State Board of Health

- Preproposal Statement of Inquiry was filed as WSR 07-14-147 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

Chapter 246-291 WAC, proposing amendments to Group B Public Water Systems. The 2009 legislature eliminated Department of Health (department) funding for the Group B program and amended RCW 43.20.050 and chapter 70.119A RCW directing the State Board of Health (board) to adopt rules to: establish minimum design and construction standards for Group B systems; allow the board to waive requirements for systems with fewer than five connections; and allow local governments to establish regulations that are more stringent than state standards.

Hearing location(s): Washington State Capital Campus
John A Cherberg Building
Senate Hearing Room 3

Date: October 10, 2012

Time: 1:15 p.m.

Submit written comments to:

Name: Theresa Phillips
Address: Department of Health
PO Box 47822
Olympia, Washington 98504-7822
e-mail: <http://www3.doh.wa.gov/policyreview/>
fax (360) 236-2252 by (date) 09/25/2012

Assistance for persons with disabilities: Contact

Desiree Robinson by 09/10/2012

TTY (800) 833-6388 or () 711

Date of intended adoption: 10/10/2012

(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This proposal shifts the regulatory framework of chapter 246-291 WAC to align the rules with the department's capacity to implement the rules. The proposed rules strengthen water system design and construction standards for new and expanding systems, strengthen new source water approval requirements, set more stringent water quality and quantity standards, improve public notification requirements, eliminate ongoing monitoring requirements, provide local governments flexibility to set more stringent standards, and allow local governments to waive certain requirements under specific conditions.

Reasons supporting proposal:

The 2009 legislature eliminated funding for the Group B program and directed the Board to amend chapter 246-291 WAC as required by Engrossed Substitute Senate Bill SB 6171. This proposed rule revision is necessary to implement these statutory requirements.

Statutory authority for adoption:

RCW 43.20.050

Statute being implemented:

Chapter 70.119A RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE 08/21/12

NAME (type or print)
Michelle Davis

SIGNATURE

TITLE
Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 21, 2012

TIME: 4:40 PM

WSR 12-17-138

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) State Board of Health

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... David Christensen	243 Israel Road SE, Tumwater, WA 98501	(360) 236-3153
Implementation.... David Christensen	243 Israel Road SE, Tumwater, WA 98501	(360) 236-3153
Enforcement..... David Christensen	243 Israel Road SE, Tumwater, WA 98501	(360) 236-3153

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Theresa Phillips

Address: Department of Health

PO Box 47822

Olympia, Washington 98504-7822

phone (360) 236-3147

fax (360) 236-2252

e-mail theresa.phillips@doh.wa.gov

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Theresa Phillips

Address: Department of Health

PO Box 47822

Olympia, Washington 98504-7822

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No: Please explain:

AMENDATORY SECTION (Amending WSR 94-14-002, filed 6/22/94, effective 7/23/94)

WAC 246-291-001 Purpose and scope. (1) The purpose of ~~((these rules))~~ this chapter is to ~~((define basic regulatory requirements to))~~ protect the health of consumers ~~((using))~~ by establishing minimum design, construction, and other standards for Group B public drinking water ~~((supplies))~~ systems. ~~((These rules are specifically designed to ensure the provision of high quality drinking water in a reliable manner and in a quantity suitable for intended use.))~~

(2) ~~((The rules set forth are adopted under chapter 43.20 RCW and owners of Group B public water systems shall be responsible for ensuring compliance with these rules.))~~ This chapter is adopted under chapter 43.20 RCW. A purveyor of a Group B public water system shall comply with this chapter and rules adopted by a local board of health under RCW 70.05.060 or 70.46.060 as applicable.

(3) Other statutes relating to this chapter are:

(a) RCW 43.20B.020, Fees for services--Department of health and department of social and health services;

(b) Chapter 43.70 RCW, Department of health;

(c) ~~((Chapter 70.05 RCW, Local health departments, boards, officers--Regulations;~~

~~((d))~~ Chapter 70.116 RCW, Public Water System Coordination Act of 1977; and

~~((e))~~ (d) Chapter 70.119A RCW, Public water systems--Penalties and compliance.

~~((3) Prior to expanding a Group B public water system to a Group A public water system, the entire system shall be brought into compliance with chapter 246-290 WAC.))~~

NEW SECTION

WAC 246-291-005 Applicability. (1) The rules of this chapter apply to a Group B public water system that provides drinking water to fewer than fifteen service connections and:

(a) Fewer than twenty-five people per day; or

(b) Twenty-five or more people per day for fewer than sixty days per year, provided the system does not serve one thousand or more people for two or more consecutive days.

(2) The rules of this chapter do not apply to a Group B system that:

(a) Consists only of distribution or storage facilities and

does not have any source or treatment facilities;

(b) Obtains all water from, but is not owned by, a public water system where the rules of this chapter or chapter 246-290 WAC apply; and

(c) Does not sell water directly to any person.

(3) The rules of this chapter do not apply to a Group B system that provides water to one or two service connections, except:

(a) In a county in which a local board of health has adopted requirements for Group B systems with one or two service connections; or

(b) When the department determines that it is necessary to protect public health and safety, such as if the system serves a connection with a use listed under WAC 246-291-010 (62)(a) through (g).

(4) A proposed Group B system shall meet planning, engineering, and design requirements under WAC 246-290-100 through 246-290-250 if:

(a) The design submitted under WAC 246-291-120 proposes to supply water to another public water system and the combined number of service connections or total population served meets the definition of a Group A public water system; or

(b) The proposed system is being designed to serve ten to fourteen residential service connections using average household population standards as required under WAC 246-291-200(2).

AMENDATORY SECTION (Amending WSR 95-20-078, filed 10/4/95, effective 11/4/95)

WAC 246-291-010 Definitions, abbreviations, and acronyms.

((Abbreviations:

~~CSE~~ -- comprehensive system evaluation;

~~GWI~~ -- ground water under the direct influence of surface water;

~~m~~ -- meter;

~~MCL~~ -- maximum contaminant level;

~~mg/L~~ -- milligrams per liter;

~~ml~~ -- milliliter;

~~mm~~ -- millimeter;

~~NTU~~ -- nephelometric turbidity unit;

~~psi~~ -- pounds per square inch;

~~umhos/cm~~ -- micromhos per centimeter;

~~VOC~~ -- volatile organic chemical;

~~WFI~~ -- water facilities inventory form; and

~~WHPA~~ -- wellhead protection area.

~~"Authorized agent"~~ means any person who:

~~Makes decisions regarding the operation and management of a public water system whether or not he or she is engaged in the physical operation of the system;~~

~~Makes decisions whether to improve, expand, purchase, or sell the system; or~~

~~Has discretion over the finances of the system.~~

~~"Coliform sample" means a sample of water collected from the distribution system at or after the first service and analyzed for coliform presence in compliance with this chapter.~~

~~"Comprehensive system evaluation (CSE)" means a review, inspection and assessment of a public water system, including, but not limited to: Source; facilities; equipment; operation and administration; maintenance; records; planning documents and schedules; and monitoring, for the purpose of ensuring that safe and adequate drinking water is provided.~~

~~"Confirmation" means to demonstrate the results of a sample to be precise by analyzing a repeat sample. Confirmation occurs when analysis results fall within plus or minus thirty percent of the original sample.)~~ The definitions, abbreviations, and acronyms in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Acute" means posing an immediate risk to human health.

(2) "ADD (average day demand)" means the total volume of water produced from all sources of supply over a calendar year divided by three hundred sixty-five.

(3) "APWA" means American Public Works Association.

(4) "ASTM" means American Society for Testing and Materials.

(5) "AWWA" means American Water Works Association.

(6) "Board" means the Washington state board of health.

(7) "Certified lab" means an analytical laboratory meeting requirements under chapters 246-390 and 173-50 WAC for one or more drinking water analytical parameters.

(8) "Coliform bacteria" means a group of rod-shaped bacteria found in the gastrointestinal tract of vertebrate animals. The presence of coliform bacteria in water is an indicator of possible fecal contamination.

(9) "Contaminant" means a substance present in drinking water which may adversely affect the health of the consumer or the aesthetic qualities of the water.

(10) "Critical water supply service area" means a geographical area characterized by a proliferation of small, inadequate water systems, or by water supply problems that threaten the present or future water quality or reliability of service in a manner that efficient and orderly development may best be achieved through coordinated planning by the water utilities in the area.

(11) "Cross-connection" means ((a physical arrangement connecting a public water system, directly or indirectly, with anything other than another potable water system, and capable of contaminating the public water system)) any actual or potential physical connection between a public water system or a consumer's water system and any source of nonpotable liquid, solid, or gas that could contaminate the potable water supply by backflow.

(12) "Cross-connection control plan" means a document that identifies the procedures the purveyor uses to protect the Group B system from contamination from cross-connections.

(13) "Department" means the Washington state department of health ~~((or health officer as identified in a joint plan of operation in accordance with WAC 246-291-030(1)))~~.

(14) "Disinfection" means the use of chlorine or other agent or process the department approves for killing or inactivating microbiological organisms, including pathogenic and indicator organisms.

(15) "Distribution system" means ~~((that portion))~~ all piping components of a ((public water supply)) Group B system ((which stores, transmits, pumps, and distributes water to consumers)) that serve to convey water from transmission mains linked to source, storage, and treatment facilities to the consumer excluding individual services.

(16) "Drilled well" means a well where the well hole is excavated by mechanical means such as rotary, cable tool, or auger drilling equipment.

(17) " Dwelling unit " means a structure, or unit within a structure, with independent living facilities for one or more persons that includes permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit includes, but is not limited to:

(a) A single-family residence; or

(b) Each unit of an apartment building or multifamily building.

(18) "Ecology" means the Washington state department of ecology.

(19) "Equalizing storage" means the volume of storage needed to supplement supply to consumers when the peak hourly demand exceeds the total source pumping capacity.

(20) "Expanding ((public water)) Group B system" means a ~~((public water))~~ Group B system installing additions, extensions, changes, or alterations to ~~((their))~~ its existing source, transmission, storage, or distribution facilities ~~((which))~~ that will enable the system to increase ~~((in))~~ the size of its existing service area ~~((and/))~~ or ~~((its))~~ the number of approved service connections.

(21) "Fire flow" means the maximum rate and duration of water flow needed to ~~((fight))~~ suppress a fire~~((s))~~ under WAC 246-293-640 or ~~((adopted city, town, or county))~~ as required under local fire protection authority standards.

(22) "Fire suppression storage" means the volume of stored water available during fire suppression activities maintaining a pressure of at least 20 psi (140 kPa) at all points throughout the distribution system, and under the condition where the designed volume of fire suppression and equalizing storage has been depleted.

(23) "Generator disconnect switch" means an electrical ~~((circuit arranged to allow connection of a generator to the power supply for the pumping equipment while prohibiting))~~ device that physically prevents electrical current from flowing back into the main service line.

~~(("Ground water under the direct influence of surface water~~

~~(GWI)" means any water beneath the surface of the ground, which the department determines has the following characteristics:~~

~~Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia* *Cryptosporidium*; or~~

~~Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water conditions.~~

~~"Group B water system" means a public water system:~~

~~Constructed to serve less than fifteen residential services regardless of the number of people; or~~

~~Constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or~~

~~Any number of people for less than sixty days within a calendar year.)~~ (24) "gpm" means gallons per minute.

(25) "Group A public water system" is defined and referenced under WAC 246-290-020.

(26) "Group B public water system" or "Group B system" means a public water system that is not a Group A public water system, and is defined and referenced under WAC 246-291-005.

(27) "Guideline" means a department document assisting ((the owner)) a purveyor in meeting a rule or statutory requirement.

(28) "GWI (groundwater under the direct influence of surface water)" means any water beneath the surface of the ground, that the department determines has the following characteristics:

(a) Presence of insects or other macroorganisms, algae, or larger-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*; or

(b) Significant and relatively rapid shifts in water conditions such as turbidity, temperature, conductivity, or pH closely correlating to weather or surface water conditions, where natural conditions cannot prevent the introduction of surface water pathogens into the source at the systems' point of withdrawal.

(29) "Health officer" means the health officer of the ((city, county, city-county)) local health ((department or district)) jurisdiction, or an authorized representative.

(30) "Human consumption" means the use of water for drinking, bathing, showering, handwashing, cooking, food preparation, dishwashing, ice-making, or oral hygiene.

(31) "Hydraulic analysis" means the study of the ((water system network evaluating water flows within the distribution system under worst case conditions such as, peak hourly design flow plus fire flow, when required. Hydraulic analysis includes consideration of all factors affecting system energy losses)) Group B system's distribution main and storage network to determine the system's present or future adequacy for providing service to consumers within the established design parameters for the system under peak flow conditions, including fire flow. The analysis establishes the adequacy of design for distribution system components such as piping, elevated storage, booster stations or similar facilities used to pump and convey water to consumers.

(32) "Infiltration gallery" means a water collection system built of perforated pipe or conduit and placed in permeable earth, for collecting shallow groundwater. An infiltration gallery is usually located close to springs, wetlands, streams, or ponds.

(33) "Intertie" means an interconnection between public water systems permitting the exchange or delivery of water between those systems.

(34) "JPR (joint plan of responsibility)" means a written agreement between the department and local health jurisdiction that:

(a) Lists the roles and responsibilities of the department and health officer for reviewing and approving Group B system designs;

(b) Provides for a level of supervision necessary to effectively achieve the responsibilities in the JPR;

(c) Is signed by an authorized representative from the department and local health jurisdiction; and

(d) Is reviewed at least once every five years and updated as needed.

(35) "kPa" means kilo pascal (Standard International units of pressure).

(36) "Local board of health" means the governing body of a county health department under chapter 70.05 RCW, or a health district under chapter 70.46 RCW.

(37) "Local health jurisdiction" means a county health department under chapter 70.05 RCW, city-county health department under chapter 70.08 RCW, or health district under chapter 70.46 RCW.

(38) "Local permitting authority" means the local building official, health officer, or authorized representative that makes determinations regarding building permits and development proposals.

(39) "MCL (maximum contaminant level ((~~MCL~~)))" means the maximum permissible level of a contaminant in water ((~~delivered~~) the purveyor delivers to any ((~~public water~~) Group B system ((~~user~~) consumer, measured at the source before entry to the distribution system.

((~~"Maximum contaminant level violation" means a confirmed measurement above the MCL and for a duration of time, where applicable.~~

~~"Owner" means any agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that holds as property, a public water system.)~~ (40) "MDD (maximum day demand)" means the highest actual or estimated quantity of water that is, or is expected to be, used over a twenty-four hour period, excluding unusual events or emergencies.

(41) "mg/L" means milligrams per liter (1mg/L = 1 part per million).

(42) "ml" means milliliter.

(43) "mm" means millimeter.

(44) "Nonresidential service connection" means a connection to a public water system that provides potable water including, but

not limited to a:

- (a) Commercial property;
- (b) Industrial property;
- (c) Civic property;
- (d) Municipal property;
- (e) Institutional property;
- (f) School;
- (g) Recreational use as defined in this section; or
- (h) Any other authorized use that provides potable water to a

nonresidential population.

(45) "PAS" means pitless adaptor standard.

(46) "PHD (peak hourly ((design flow) demand))" means the maximum rate of water use, excluding fire flow(, which)) that can ((be expected to ever)) occur within a defined service area over a continuous sixty minute time period. PHD is typically expressed in gallons per minute (gpm).

(47) "Potable" means water ((suitable)) safe for ((drinking by the public)) human consumption.

((("Pressure zone" means a distribution system whereby an established minimum and maximum pressure range can be maintained without the use of ancillary control equipment (e.g., booster pumps, pressure reducing valves, etc.)) (48) "Potential GWI" means a source identified by the department or local health jurisdiction as possibly under the direct influence of surface water including, but not limited to a:

(a) Well that has a screened interval fifty feet or less from the ground surface at the wellhead and is located within two hundred feet of a freshwater surface water body;

- (b) Ranney well;
- (c) Infiltration gallery; or
- (d) Spring.

(49) "Primary ((standards)) MCL" means a standard((s)) based on chronic, nonacute, or acute human health effects.

(50) "psi" means pounds per square inch.

(51) "Public water system" means any system providing water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single-family residence and a system with four or fewer service connections all of which serve residences on the same farm(, providing piped water for human consumption, including)). The term includes:

(a) Collection, treatment, storage, or distribution facilities under the control of a purveyor and used primarily in connection with ((such)) the system((.

"Repeat sample" means a sample collected to confirm the results of a previous analysis.)) ; and

(b) Collection, or pretreatment storage facilities not under the control of a purveyor, and primarily used in connection with the system.

(52) "Purveyor" means an agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or other entity owning or operating a public water system, or applying to create a

public water system. Purveyor also means the authorized agents of these entities.

(53) "Ranney well" means a water well or collection system including a central chamber with horizontal perforated pipes extending out into an aquifer. The perforated pipes may extend out under a surface water body such as a lake or river.

(54) "Recreational service connection" means a connection to a public water system that provides potable water to each:

(a) Campsite; or

(b) Recreational vehicle site.

(55) "Residential service connection" means a connection to a public water system that provides potable water to a dwelling unit.

(56) "Same farm" means a parcel of land or series of parcels ((which are)) connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes ((and does not qualify as a Group A water system)).

(57) "Sanitary survey" means a review, inspection, and assessment of a public water system by the department or local health jurisdiction.

(58) "SCA (sanitary control area)" is defined under WAC 246-291-125(5).

(59) "SMA (satellite system management agency)" means a person or entity approved by the department in accordance with chapter 246-295 WAC to own or operate public water systems on a regional or county-wide basis without the necessity for a physical connection between the systems.

(60) "Secondary ((standards)) MCL" means a standard((s)) based on factors other than health effects ((such as taste and odor)).

(("Sell" means to bill separately for drinking water or to include drinking water as part of an itemized listing in a bill delivered to customers, where the amount billed is an increase over what the purveyor pays for water. The presence of centralized source or individual service meters does not affect whether the water is being sold.))

(61) "Service connection" means a ((connection to a public water system designed to provide potable water)) residential, nonresidential, or recreational service connection as defined in this section.

(("Special purpose sample" means a sample collected for reasons other than the monitoring compliance specified in this chapter.

"Standard methods" means the 18th edition of the book, titled *Standard Methods for the Examination of Water and Waste Water*, jointly published by the American Public Health Association, American Water Works Association (AWWA), and Water Pollution Control Federation. This book is available through public libraries or may be ordered from AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235.

"State board of health" and "board" means the board created by RCW 43.20.030.) (62) "Single family residence" means a structure in which one or more persons maintain a common household. A structure is not a single family residence if it is used for an

activity requiring a permit or license under one or more of the following rules:

- (a) Food service, chapter 246-215 WAC;
- (b) Food inspection, chapter 16-165 WAC;
- (c) Residential treatment facility, chapter 246-337 WAC;
- (d) Transient accommodations, chapter 246-360 WAC;
- (e) Boarding homes licensing rules, chapter 388-78A WAC;
- (f) Minimum licensing requirements for child care centers, chapter 170-295 WAC;
- (g) School-age child care center minimum licensing requirements, chapter 170-151 WAC; or
- (h) Adult family home minimum licensing requirements, chapter 388-76 WAC.

(63) "Spring" means a source of water where the aquifer comes in contact with the land surface.

(64) "Surface water" means a body of water open to the atmosphere and subject to surface runoff, including captured rainfall.

~~((**"Volatile organic chemical (VOC)"** means a manufactured carbon-based chemical that vaporizes quickly at standard pressure and temperature.~~

~~**"Water facilities inventory form (WFI)"** means the department form summarizing each public water system's characteristics.~~

~~**"Well field"** means a group of wells one system owns or controls which:~~

~~Draw from the same aquifer or aquifers as determined by comparable inorganic chemical analysis; and~~

~~Discharge water through a common pipe and the common pipe shall allow for collection of a single sample before the first distribution system connection.)) (65) **"WSDOT"** means Washington state department of transportation.~~

(66) "Water right" means a permit, claim, or other authorization, on record with or accepted by the department of ecology, authorizing the beneficial use of water in accordance with all applicable state laws.

(67) "Well site inspection" means a physical inspection of the area near an existing or proposed well location, and completion of a department or health officer-approved form that identifies the suitability of the site for a public water supply well.

AMENDATORY SECTION (Amending WSR 95-20-078, filed 10/4/95, effective 11/4/95)

WAC 246-291-025 Bottled water and ice-making facilities. (1) ~~((Any))~~ Water sources used ((for bottling, regardless of size,)) by a facility that produces bottled water or ice for public consumption shall meet the ((minimum)) requirements ((in accordance with)) under chapter 246-290 WAC.

(2) In addition to the requirements (~~imposed by the department~~) under chapter 246-290 WAC, the processing of bottled water and ice is regulated by the state department of agriculture under chapter 69.07 RCW, and the United States Food and Drug Administration under 21 C.F.R. 165.110.

AMENDATORY SECTION (Amending WSR 95-20-078, filed 10/4/95, effective 11/4/95)

WAC 246-291-030 General administration. (1) The department administers this chapter unless:

(a) A local board of health adopts rules under RCW 70.05.060 or 70.46.060 to implement this chapter that are at least as stringent as this chapter; or

(b) The (~~department and the health officer for each local health jurisdiction may develop a joint plan of operation. Responsibility for administering these rules shall remain with the department of health unless there is a joint plan of operation in place. This plan shall:~~

(a) List the roles and responsibilities and specifically designate those systems for which the department and local health officer have primary responsibility;

(b) Provide a list of water system requirements and procedures which the local board of health may waive for systems within its jurisdiction;

(c) Provide for a level of water system supervision necessary to effectively achieve listed responsibilities;

(d) Be signed by the department and the local health department or district; and

(e) Be reviewed at least once every five years and updated as needed.

Wherever in these rules the term "department" is used, the term "health officer" may be substituted based on the terms of this joint plan of operation.

(2) The)) local health jurisdiction has accepted primary responsibility for administering this chapter in a JPR.

(2) Existing local rules shall remain in effect, except requirements of this chapter that are more stringent than the local board of health rules.

(3) In addition to the requirements of this chapter for Group B systems, local board of health rules may include, but are not limited to:

(a) System operations and maintenance;

(b) Ongoing water quality and water use monitoring;

(c) Reporting of water quality and water use monitoring data to the local health jurisdiction;

(d) System inspections or sanitary surveys;

(e) Public notification;

(f) Additional requirements for existing systems to be

considered in compliance; and

(g) Regulation of systems with one or two service connections.

~~(4) A local board of health may adopt rules ((pursuant to RCW 70.05.060 governing public water systems for which the health officer has assumed primary responsibility. Adopted local board of health rules shall be:~~

~~(a) No less stringent and may be more stringent than this chapter; and~~

~~(b) Revised, if necessary, within twelve months after the effective date of revised state board of health rules. During this time period, existing local rules shall remain in effect, except provisions of the revised state board of health rules which are more stringent than the local board of health rules shall apply.~~

~~(3) For residential systems with only two services, the department may eliminate any or all requirements of these rules.~~

~~(4) For any residential system, the department may eliminate all ongoing requirements of these rules, except for recordkeeping and reporting requirements under WAC 246-291-260, provided the system has been granted an initial approval or an existing system has been categorized as fully approved/adequate or provisionally approved.~~

~~(5) The health officer may approve design reports and water system plans which reflect good engineering practice such as those found in the department guideline titled *Group B Water System Approval*, for those public water systems where the health officer has assumed primary responsibility.~~

~~(6) The health officer may allow system owners to substitute results of a calculated fixed radius method and a ten year time of travel criteria instead of using the six hundred foot radius prescribed in WAC 246-291-100 (2)(f) and 246-291-110 (3)(f).~~

~~(7) The department may develop and distribute guidelines to clarify sections of the rules as needed.~~

~~(8) Fees may be charged by the department of health as authorized in RCW 43.20B.020 and by local health agencies as authorized in RCW 70.05.060 to recover all or a portion of the costs incurred in administering these rules)) that require a purveyor of a Group B system to obtain an annual operating permit as authorized under RCW 70.119A.130.~~

AMENDATORY SECTION (Amending WSR 94-14-002, filed 6/22/94, effective 7/23/94)

WAC 246-291-050 Enforcement. (1) When a Group B system is out of compliance with ((these rules)) this chapter, the department may initiate ((appropriate)) enforcement actions((, regardless of any prior approvals issued by the department, including, but not limited to:

~~(a) Issuance of a compliance schedule;~~

~~(b) Issuance of departmental orders requiring submission of water system plans, design reports, and construction report forms;~~

~~(c) Issuance of departmental orders requiring specific actions or ceasing unacceptable activities within a designated time period;~~

~~(d) Issuance of departmental orders to stop work and/or refrain from using any public water system or improvements thereto until all written approvals required by statute or rule are obtained;~~

~~(e) Imposition of civil penalties as authorized under chapter 70.119A RCW or local authority where applicable; and~~

~~(f) Legal action by the attorney general or local prosecutor.~~

~~(2) When enforcing the MCLs under this chapter, the department shall enforce compliance with the primary MCLs as its first priority)) under RCW 70.119A.030 and 70.119A.040.~~

(2) A health officer may initiate enforcement actions as authorized under RCW 70.46.060 and 70.119A.050, and as authorized under local board of health rules.

AMENDATORY SECTION (Amending WSR 94-14-002, filed 6/22/94, effective 7/23/94)

WAC 246-291-060 Waivers. (1) ~~((The state board of health or the local health officer in those counties having a joint plan of operation, may grant waivers of the requirements of this chapter, provided that procedures used are consistent with WAC 246-290-060 (5)(b) and in the case where a local health officer is authorized to grant the waiver, procedures used shall be approved by the department of health as part of the joint plan of operation.~~

~~(2) Consideration by the board or local health officer of requests for waivers shall)) A health officer or local board of health may grant a waiver from the requirements of this chapter, provided that:~~

(a) The local health jurisdiction has:

(i) Adopted rules under RCW 70.05.060 or 70.46.060 that are at least as stringent as this chapter; or

(ii) Accepted primary responsibility for administering this chapter in a JPR;

(b) The health officer conditions the approval of a waiver to include, at a minimum:

(i) Water quality treatment;

(ii) Monitoring; or

(iii) Maintenance and oversight; and

(c) The health officer obtains sufficient evidence from a purveyor that a proposed Group B system will deliver drinking water that does not exceed a primary MCL under WAC 246-291-170, and will provide an adequate supply of water under WAC 246-291-125(3).

(2) The health officer shall not grant a waiver from the residential population requirement for each dwelling unit under WAC 246-291-200(2).

(3) A request for a waiver is not ~~((be))~~ considered an adjudicative proceeding~~((s))~~ as ~~((that term is))~~ defined ~~((in))~~ under chapter 34.05 RCW.

~~((3) Statements and written material regarding the request may be presented to the board or local health officer wherein the application will be considered.))~~

~~((4) ((The board or local health officer may grant a waiver if it determines the water system is unable to comply with the requirements and granting of the waiver will not result in an unreasonable risk to the health of consumers. No waivers may be granted for exceedance of a primary MCL.~~

~~(5))~~ A waiver granted under this section shall ~~((lapse two))~~ expire five years from the date of issuance ~~((unless the water system project has been completed or an extension is granted))~~ if construction of the Group B system is not completed.

NEW SECTION

WAC 246-291-090 Public Water System Coordination Act and satellite management. (1) A purveyor of a new or expanding Group B system shall comply with the applicable coordinated water system plan created under chapter 246-293 WAC and 70.116 RCW if located within the boundaries of a critical water supply service area.

(2) The department or health officer shall approve a new or expanding Group B system consistent with requirements under WAC 246-293-190 and RCW 70.116.060(3).

(3) A new Group B system must comply with SMA requirements under RCW 70.119A.060.

AMENDATORY SECTION (Amending WSR 94-14-002, filed 6/22/94, effective 7/23/94)

WAC 246-291-120 Design report approval. (1) ~~((Design reports shall be submitted to the department for))~~ A purveyor shall receive written department or health officer approval of a design report prior to ~~((installation of any))~~ :

(a) Installing a new ~~((water))~~ Group B system ~~((, or water system extension or improvement with the following exceptions:~~

~~((a) Installation of valves, fittings, and meters))~~ ; or

~~((b) ((Repair of a system component or replacement with a similar component of the same capacity; and~~

~~((c) Maintenance or painting of surfaces not contacting potable water.))~~ Providing service to more than the current approved number of service connections.

~~(2) ((Design reports submitted for approval by owners of systems required to have a water system plan, will not be considered for approval unless there is a current approved water system plan and the plan adequately addresses the project.~~

~~(3) Design reports shall include, at a minimum, the following:)) To obtain design report approval for a Group B system, a purveyor shall provide a copy of the following, at a minimum, to the department or health officer:~~

~~(a) ((Alternatives. Verify contacts with other water system owners as applicable in accordance with WAC 246-291-140(2);)) Documentation that creating a new system or expanding an existing system does not conflict with any applicable coordinated water system plan adopted under chapter 246-293 WAC;~~

~~(b) ((Legal considerations. Identify legal aspects such as ownership, right of way, sanitary control area, and restrictive covenants;)) Documentation that creating a new system complies with the SMA requirements under RCW 70.119A.060(2);~~

~~(c) ((Engineering calculations. Describe how the project complies with the design considerations;)) Source approval under WAC 246-291-125 or 246-291-135;~~

~~(d) ((Drawings. Include detailed drawings of each project component;)) Documentation that all requirements under WAC 246-291-140 are met;~~

~~(e) A system design that complies with the requirements under WAC 246-291-200 including, but not limited to:~~

~~(i) Drawings of each project component, including:~~

~~(A) Location;~~

~~(B) Orientation;~~

~~(C) Size; and~~

~~(D) Easements for:~~

~~(I) Future access and maintenance of distribution system pipelines located on private property, or franchise agreements necessary for distribution system pipelines located within public right of way; and~~

~~(II) Other system components, including access and maintenance of reservoirs, wells, and pumping stations.~~

~~(ii) Material specifications((~~. List detailed material specifications~~)) for each project component;~~

~~((~~f~~)) (iii) Construction specifications((~~. List detailed construction specifications~~)) and assembly techniques ((for carrying out the project));~~

~~((~~g~~)) (iv) Testing((~~. Identify testing~~)) criteria and procedures ((for each applicable portion of the project)); and~~

~~((~~h~~)) (v) A description of disinfection((~~. Identify specific disinfection~~)) procedures ((which must conform with American Water Works Association standards or other standards acceptable by the department;~~

~~(i) Inspection. Identify provisions for inspection of the installation of each project component. See WAC 246-291-040 for construction reporting requirements; and~~

~~(j) Change orders. All changes except for minor field revisions must be submitted to and approved by the department in writing.~~

~~(4) Approval of design reports shall be in effect for two years unless the department determines a need to withdraw the approval. An extension of the approval may be obtained by submitting a status report and a written schedule for completion. Extensions may be subject to additional terms and conditions imposed by the department)) as required under WAC 246-291-220.~~

(3) The design report shall be prepared, sealed, and signed in accordance with chapter 196-23 WAC by a professional engineer who:

(a) Is licensed in the state of Washington under chapter 18.43 RCW; and

(b) Has specific expertise regarding design, operation, and maintenance of public water systems.

(4) A local health jurisdiction that has accepted primary responsibility in a JPR under WAC 246-291-030 may adopt by rule, an exception to the professional engineer requirement for Group B systems that:

(a) Do not use a variable speed pump;

(b) Do not provide fire flow;

(c) Do not have special hydraulic considerations;

(d) Do not have atmospheric storage in which the bottom elevation of the storage reservoir is below the ground surface; and

(e) Serve fewer than ten service connections.

(5) A purveyor shall submit a "Construction Completion Report for Public Water System Projects" to the department or health officer on a form approved by the department or health officer within sixty days of construction completion, and before use of any approved Group B system. The form must:

(a) Be signed by a professional engineer, unless the health officer approves the project as meeting the requirements under subsection (4) of this section;

(b) Include a statement that the project is constructed and completed according to the design report requirements under this chapter; and

(c) Include a statement that the installation, testing, and disinfection of the Group B system is completed in accordance with this chapter.

(6) All design changes, except for minor field revisions, must be submitted in writing to, and approved by, the department or health officer.

NEW SECTION

WAC 246-291-125 Groundwater source approval. (1) Groundwater sources submitted to the department or health officer for design approval under WAC 246-291-120 must comply with the following requirements:

(a) Drinking water shall be obtained from the highest quality source feasible.

(b) All permanent groundwater sources must:

(i) Be designed to be physically connected to the distribution system;

(ii) Be a drilled well constructed in accordance with chapter 173-160 WAC; and

(iii) Meet water quality requirements under WAC 246-291-170.

(c) The department or health officer shall not approve a design for a new or expanding Group B system using a GWI source.

(d) The department or health officer shall not approve a design for a new or expanding Group B system using a potential GWI source until a hydrogeologic evaluation is completed by a licensed hydrogeologist or engineer that determines the source is not GWI. The GWI evaluation and determination must be completed before the department or health officer will review the Group B design report.

(2) Before pursuing groundwater source approval under this section, a purveyor shall contact the department or local health jurisdiction to identify any additional requirements.

(3) A purveyor shall provide a copy of the following to the department or health officer to obtain groundwater source approval:

(a) The water right permit, if required, for the source, quantity, type, and place of use;

(b) The water well report, as required under WAC 173-160-141;

(c) The well site inspection report form completed by the department or local health jurisdiction, or designee;

(d) A map showing:

(i) The project location;

(ii) A six hundred foot radius around the well site designating the preliminary short-term groundwater contribution area; and

(iii) The perimeter of a one hundred foot SCA, meeting the requirements in subsection (4) of this section.

(e) A map showing topography, distances to the well from existing property lines, buildings, potential sources of contamination within the six hundred foot radius around the well, and any other natural or man-made features that could affect the quality or quantity of water;

(f) The recorded legal documents for the SCA;

(g) Results from an initial analysis of raw source water quality from a certified lab, including, at a minimum:

(i) Coliform bacteria;

(ii) Inorganic chemical and physical parameters under WAC 246-291-170, Tables 2, 3, and 4; and

(iii) Other contaminants, as directed by the department or health officer in areas where it determines that other contamination may be present.

(h) Pump test data establishing groundwater source capacity including, but not limited to:

(i) Static water level;

(ii) Sustainable yield;

(iii) Drawdown;

(iv) Recovery rate; and

(v) Duration of pumping.

(i) Additional pump testing in locations where water resource limitations or known seasonal groundwater fluctuations may affect

future reliability as directed by the department or health officer.

(4) Groundwater source capacity.

(a) A groundwater source for a Group B system with residential connections must be pump tested to determine if the well(s) and aquifer are capable of reliably supplying water that meets the minimum requirements under Table 1 of this section.

(b) A groundwater source must be pump tested to determine if the well(s) and aquifer are capable of supplying water at the rate required to provide the water volume as determined under WAC 246-291-200 for a source supplying a Group B system with:

(i) Nonresidential service connections; or

(ii) Both residential and nonresidential service connections.

(c) Where a locally adopted watershed plan or ecology watershed rule under Title 173 WAC establishes a higher water supply requirement, the purveyor shall use the higher value to assess the adequacy of the source of supply.

(d) A purveyor shall design the Group B system to meet the requirements under Table 1, even if a locally adopted watershed plan or watershed rule under Title 173 WAC limits water use below the values in Table 1.

Table 1
Minimum Source Capacity and Water Supply for Residential Service Connections

County	Gallons per day per dwelling unit
Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skamania, Skagit, Snohomish, Thurston, Wahkiakum, and Whatcom	750
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima	1,250

(5) SCA.

(a) A purveyor shall establish the SCA around each groundwater source to protect it from contamination.

(b) The SCA must have a minimum radius of one hundred feet, unless technical justification submitted by a licensed hydrogeologist or engineer to the department or health officer supports a smaller area. The justification must address geological and hydrogeological data, well construction details, and other relevant factors necessary to provide adequate sanitary control.

(c) The department or health officer may require a larger SCA if geological and hydrological data support such a decision.

(d) A purveyor shall own the SCA, or the purveyor shall have the right to exercise complete sanitary control of the land through other legal provisions.

(e) A purveyor shall record a restrictive covenant to the title of each property that is sited partially or completely within

the SCA to protect the SCA in perpetuity.

NEW SECTION

WAC 246-291-135 Interties. (1) A purveyor submitting a new or expanding Group B system design for approval using a nonemergency intertie source shall provide the following to the department or health officer:

(a) A copy of the intertie agreement under subsection (2) of this section;

(b) Evidence that the supplying water system currently operates in compliance with chapter 246-290 or 246-291 WAC;

(c) Location of the proposed intertie;

(d) Information on any water quality issues and treatment being used;

(e) Demonstration of the source capacity and hydraulic capacity of the supply and receiving systems at the designed flow rate through the intertie;

(f) A copy of the water right or water right change issued by ecology, if required under RCW 90.03.383;

(g) Identification of alternative sources that will be used when the intertie agreement expires if the water is not being provided in perpetuity; and

(h) Verification that a source meter has been installed to measure water received.

(2) An intertie agreement between purveyors must identify:

(a) Specific time periods in which water will be provided;

(b) The volume of water available for use, including any seasonal or other restrictions; and

(c) How operations will be coordinated.

AMENDATORY SECTION (Amending WSR 95-20-078, filed 10/4/95, effective 11/4/95)

WAC 246-291-140 Water system planning and disclosure requirements. (~~((1) Water system plan.~~

~~(a) The water system plan shall:~~

~~(i) Identify present and future needs;~~

~~(ii) Set forth means for meeting those needs; and~~

~~(iii) Do so in a manner consistent with other relevant plans and local, state, and federal laws.~~

~~(b) Owners of the following categories of systems shall ensure the development and submittal of a water system plan for review and approval by the department:~~

~~(i) All systems as required by chapter 70.116 RCW the Public Water System Coordination Act of 1977 and chapter 246-293 WAC;~~

~~(ii) Any system experiencing problems related to planning, operation, and/or management as determined by the department and outlined in a departmental order;~~

~~(iii) Any proposed or expanding system as determined by the department; and~~

~~(iv) Any system which installs treatment, other than simple chlorination disinfection equipment, after the effective date of these regulations.~~

~~(c) A department guideline titled *Group B Water System Approval* is available from the department to assist owners in developing this plan. Design reports may be combined with a water system plan. To the extent to which they are applicable, the water system plan shall address the following elements:~~

~~(i) Description of system management and ownership;~~

~~(ii) Description of appropriate water quality monitoring and reporting requirements;~~

~~(iii) Service area and identification of existing and proposed major facilities;~~

~~(iv) Maximum number of connections the system can safely and reliably support;~~

~~(v) Water conservation program. Systems which are developed or expanded after the effective date of this rule shall develop a conservation program;~~

~~(vi) Relationship and compatibility with other plans;~~

~~(vii) Description of water source(s) including compliance with applicable source approval and protection under WAC 246-291-100 and 246-291-110;~~

~~(viii) Source protection (including required protective covenants, wellhead protection and watershed control where applicable); and~~

~~(ix) Financial viability.~~

~~(2) Prior to developing a new water system, the developer of the proposed system shall follow the steps listed below as applicable:~~

~~(a) The developer shall ensure that the new system is owned or operated by a department-approved satellite management agency (SMA), or if a department-approved SMA is not available, that the proposed new system has a department-approved water system plan in accordance with WAC 246-291-140;~~

~~(b) Department approval of any system created after July 22, 1995, that is not owned or operated by a SMA shall be conditioned upon future management or ownership by a SMA, if such management or ownership can be made with reasonable economy and efficiency, or upon periodic review of the system's operational history to determine its ability to meet the department's financial viability and other operating requirements.~~

~~(c) If the proposed system is located within the boundaries of a critical water supply service area, the ability to develop an independent system shall be governed by the provisions of the Public Water System Coordination Act, chapter 70.116 RCW and chapter 246-293 WAC, and will be subject to the jurisdictional~~

~~coordinated water system plan; or~~

~~(d) If the proposed system consists of a surface water or GWI source, ensure that the proposed system will be owned and operated by a department-approved satellite system management agency.~~

~~(3) For systems approved after the effective date of these rules, a summary of the following shall be recorded, by the system owner, on all affected property titles as a means of providing information about the system to property owners, lending institutions, and other potentially affected parties:~~

~~(a) Notice that the property is served by a public water system;~~

~~(b) The initial water system plan, planning section of the *Group B Water System Guideline*, or equivalent information from other documents as determined by the department;~~

~~(c) Notice that the system is subject to state and local rules;~~

~~(d) Recommendation to check with the jurisdictional regulatory authority on the current system status;~~

~~(e) Notice that fees may be assessed by the department for providing information on a public water system;~~

~~(f) Requirement for satellite management, if applicable;~~

~~(g) Notice of any waivers granted to the system; and~~

~~(h) Other information required by the department.) (1) A purveyor submitting a new or expanding Group B system design for approval shall provide the following information to the department or health officer:~~

~~(a) The system's management and ownership;~~

~~(b) The system's service area and existing and proposed major facilities;~~

~~(c) The maximum number of service connections the system can safely and reliably supply;~~

~~(d) The relationship and compatibility with other locally adopted plans;~~

~~(e) The amount of revenue needed to operate and maintain the system, and a plan to meet revenue needs;~~

~~(f) A cross-connection control plan if any existing cross-connections are identified;~~

~~(g) Security measures under the strict control of the purveyor to be provided to protect the water source, water storage reservoir, and the distribution system;~~

~~(h) For systems that will use sources with a well pump test indicating a yield of 5.0 gpm or less, a contingency plan describing short-term and long-term measures to restore water to consumers in the event the well(s) cannot provide an adequate supply of water;~~

~~(i) The public notification procedures that the purveyor will use as required under WAC 246-291-360.~~

~~(2) A purveyor shall record the following information on each customer's property title before providing water from the Group B system to any service connection:~~

~~(a) System name and a department issued public water system identification number;~~

~~(b) System owner name and contact information;~~

(c) The following statement: "This property is served by a Group B public water system that has a design approval under chapter 246-291 Washington Administrative Code";

(d) Parcel numbers to be served by the system;

(e) Indicate if the system is designed and constructed to provide fire suppression;

(f) A copy of any waiver granted under WAC 246-291-060 to the purveyor;

(g) Indicate:

(i) If service connections are metered or not;

(ii) If the purveyor intends to monitor the system for contaminants;

(iii) How often monitoring will occur; and

(iv) How the consumers of the system will be notified of monitoring results;

(h) Contact information for the approving authority (department or local health jurisdiction);

(i) The type of source treatment provided for any contaminants that exceed secondary MCLs;

(j) Instructions about how to obtain a copy of the agreements for consumers, if one exists; and

(k) Other information, as directed by the department or health officer.

NEW SECTION

WAC 246-291-170 Water quality requirements for groundwater source approval. (1) All water quality samples collected under this section must be:

(a) Collected without chlorine, ultraviolet light, ozone, or other disinfectant in use to treat the source;

(b) Collected after the well has been pumped long enough to allow for collection of a representative sample of the aquifer, as described in the *Group B Water System Design Guidelines (2012)*; and

(c) Analyzed by a certified lab.

(2) To meet the requirements for design approval under WAC 246-291-120, a purveyor shall obtain, at a minimum:

(a) Satisfactory results from two raw source water samples analyzed for coliform bacteria;

(b) Results from one raw source water sample that have been analyzed for, and do not exceed, any primary MCL in Table 2 of this section; and

(c) In areas known or suspected to have contaminants of public health concern, one raw source water sample analyzed for the contaminant(s) as directed by the department or health officer.

(3) When analytical results indicate a presence of coliform bacteria, a purveyor shall do the following:

(a) Disinfect the source using procedures under WAC 246-291-

220; and

(b) Collect two repeat samples and analyze for coliform bacteria by a certified lab.

(4) A purveyor shall collect a confirmation raw source water sample and have the sample analyzed for each parameter that exceeded the MCL in the initial sample, if:

(a) An analysis exceeds a primary MCL in Table 2 of this section; or

(b) A contaminant of public health concern under subsection (2)(c) of this section exceeds the primary MCL under WAC 246-290-310.

(5) The department or health officer shall not approve the proposed source if:

(a) The average concentration from all samples for each substance taken under this section exceeds a primary MCL in Table 2 of this section;

(b) The repeat sample results collected under subsection (3) of this section indicate a presence of coliform bacteria; or

(c) A contaminant of public health concern collected under this section exceeds the primary MCL under WAC 246-290-310.

(6) When an analysis exceeds a secondary MCL in Table 3 or 4 of this section, a purveyor shall include treatment in the Group B system design under WAC 246-291-200 so that drinking water delivered to consumers does not exceed a secondary MCL.

Table 2
Primary Inorganic Chemical Contaminants

Substance	MCLs (mg/L)
Antimony (Sb)	0.006
Arsenic (As)	0.010*
Barium (Ba)	2.0
Beryllium (Be)	0.004
Cadmium (Cd)	0.005
Chromium (Cr)	0.1
Cyanide (HCN)	0.2
Fluoride (F)	4.0
Mercury (Hg)	0.002
Nitrate (as N)	10.0
Nitrite (as N)	1.0
Selenium (Se)	0.05
Thallium (Tl)	0.002

Note: *The arsenic MCL in Table 2 applies to new and expanding Group B systems. For Group B systems constructed prior to January 1, 2013, the arsenic MCL is 0.05 mg/L. WAC 246-291-360 (3) and (4) establish public notification requirements for Group B systems constructed prior to January 1, 2013, with an arsenic concentration exceeding 0.010 mg/L.

Table 3
Secondary Inorganic Chemical Contaminants

Substance	MCLs (mg/L)
Chloride (Cl)	250.0
Fluoride (F)	2.0
Iron (Fe)	0.3
Manganese (Mn)	0.05
Silver (Ag)	0.1
Sulfate (SO ₄)	250.0
Zinc (Zn)	5.0

Table 4
Secondary Physical Characteristics

Substance	MCLs
Color	15 color units
Specific conductivity	700 umhos/cm
Total dissolved solids (TDS)	500 mg/L

AMENDATORY SECTION (Amending WSR 94-14-002, filed 6/22/94, effective 7/23/94)

WAC 246-291-200 Design standards. (1) ~~((Water system owners))~~ A purveyor submitting a new or expanding Group B system design for approval shall ((ensure that)) use good engineering practices ((are used in the design of all public water systems. Information on what is good engineering practice is available from)) and apply industry standards in the design, such as those in:

(a) The department ((in the)) guideline titled *Group B Water System ((Approval)) Design Guidelines (2012);*

(b) *Water Systems Council PAS-97(04) Pitless Adapters and Watertight Well Caps (2004);*

(c) Standard specifications of the:

(i) American Public Works Association;

(ii) American Society of Civil Engineers;

(iii) American Water Works Association; and

(iv) American Society for Testing and Materials.

(d) Minimum standards for construction and maintenance of wells, chapter 173-160 WAC;

(e) *Recommended Standards for Water Works, A Committee Report of the Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers (2007);*

(f) *Standard Specifications for Road, Bridge and Municipal Construction (WSDOT/APWA 2012);*

(g) *USC Manual of Cross-Connection Control, 10th edition (October 2009);*

(h) PNWS-AWWA Cross-Connection Control Manual, sixth edition (1996);

(i) International Building Code (IBC) (2012); and

(j) Uniform Plumbing Code (UPC) (2012).

~~(2) ((In addition, owners of new or expanding public water systems shall ensure the following factors are addressed:~~

~~(a) Local conditions, plans and/or regulations;~~

~~(b) Public Water System Coordination Act considerations where appropriate; and~~

~~(c) Other requirements as determined by the department.~~

~~(3) Any pipe, pipe fittings, solder, or flux used in the installation or repair of a public water system shall be lead-free. Within the context of this section, lead-free shall mean having no more than eight percent lead in pipes and pipe fittings, and no more than two-tenths of one percent lead in solder and flux. This prohibition shall not apply to leaded joints necessary for the repair of cast iron pipes.)) A purveyor submitting a new or expanding Group B system design for approval shall:~~

~~(a) Calculate residential population by using 2.5 persons per dwelling unit;~~

~~(b) Use full-time occupancy for each dwelling unit; and~~

~~(c) Use planning, engineering and design criteria under WAC 246-290-100 through 246-290-250 if the system is being designed to serve ten to fourteen residential service connections.~~

~~(3) A purveyor shall demonstrate that the source(s) of supply, pipes and other constructed conveyances are capable of meeting the minimum residential water supply as required under WAC 246-291-125(3) Table 1.~~

~~(4) A new or expanding Group B system must be designed with the capacity to deliver the PHD at 30 psi (210 kPa) measured along property lines adjacent to distribution mains, under the following conditions:~~

~~(a) When all equalizing storage has been depleted, if the system is designed to supply PHD in part with equalizing storage; and~~

~~(b) At the "pump-on" pressure setting for the pump directly supplying the distribution system, when the water system is designed to supply PHD without any equalizing storage.~~

~~(5) If the design PHD exceeds the total source pumping capacity, then sufficient equalizing storage must be provided.~~

~~(6) The minimum design flow and duration required for fire flow and fire suppression storage, if provided, shall be determined by:~~

~~(a) The local fire protection authority; or~~

~~(b) As required under chapter 246-293 WAC for Group B systems within the boundaries of a designated critical water supply service area.~~

~~(7) In the design of a new or expanding Group B system that does not have to comply with minimum fire flow standards, a purveyor shall coordinate with the local fire protection authority to assess if any hydrants create adverse pressure problems as a result of expected fire suppression activities, and address any pressure problems in the design.~~

(8) If fire flow is provided, the distribution system must be designed to provide the MDD for the entire Group B system and the required fire flow at a pressure of at least 20 psi (140 kPa) at all points throughout the distribution system when the designed volume of fire suppression and equalizing storage has been depleted.

(9) The Group B system design must contain a water meter that measures the water use of the entire water system (totalizing source meter) and a source sample tap.

(10) The use of individual service booster pumps to meet the requirements of this section is prohibited.

(11) A purveyor shall equip a new or expanding Group B system with a generator disconnect switch.

(12) A purveyor shall use generally accepted industry standards and practices in the elimination or control of all cross-connections, such as:

(a) USC Manual of Cross-Connection Control, Tenth Edition, October 2009; and

(b) PNWS-AWWA Cross-Connection Control Manual, Sixth Edition (1996).

(13) A pitless unit, pitless adaptor, and vented sanitary well cap must conform with the product, material, installation, and testing standards under the Water Systems Council PAS-97(04) Pitless Adaptors and Watertight Well Caps (2004).

NEW SECTION

WAC 246-291-205 Drinking water materials and additives. (1)

In the design of a new or expanding Group B system, all materials shall conform to the ANSI/NSF Standard 61 if in substantial contact with potable water supplies.

(2) Substantial contact means the degree that a component is in contact with drinking water.

(a) Examples of water system components considered to be in substantial contact with drinking water include, but are not limited to:

(i) Storage reservoir interiors, liners, or covers;

(ii) Treatment, transmission, and distribution piping; or

(iii) Other water system components that have high potential for contact with drinking water, such as filter media, absorption media, ion exchange resins, and pressure vessels.

(b) Materials such as valves, pipe fittings, debris screens, gaskets, or similar appurtenances are not considered to be in substantial contact.

(3) Any chemicals specified for use in the design of treatment for secondary MCLs in Table 3 under WAC 246-291-170, with the exception of commercial grade hypochlorite compounds such as unscented Clorox or Purex, shall comply with ANSI/NSF Standard 60.

The design dosage shall not exceed the maximum application dosage recommended for the product as certified by the ANSI/NSF Standard 60.

(4) Pipes, pipe fittings, fittings, fixtures, solder, or flux used in the design of a new or expanding Group B system shall be lead-free. For the purposes of this section, lead-free means:

(a) No more than twenty-five one-hundredths of one percent lead in pipes and pipe fittings;

(b) No more than two-tenths of one percent lead in solder and flux; and

(c) Fittings and fixtures that are in compliance with standards established in accordance with 42 U.S.C. 300g-6(e).

AMENDATORY SECTION (Amending WSR 94-14-002, filed 6/22/94, effective 7/23/94)

WAC 246-291-210 Distribution systems. (1) ~~((All distribution reservoirs shall have suitable watertight roofs or covers preventing))~~ Storage reservoirs shall be designed to:

(a) Prevent entry by birds, animals, insects, ((and)) excessive dust ((and shall include appropriate provisions to safeguard against trespass, vandalism, and sabotage. All new distribution reservoirs shall be able to be drained by gravity to daylight)), and other potential sources of external contamination;

(b) Include:

(i) A weathertight roof;

(ii) A lockable access hatch;

(iii) A screened roof vent;

(iv) An overflow pipe with atmospheric discharge or other suitable means to prevent a cross-connection;

(v) A sample tap;

(vi) A drain to daylight, or an alternative design approved by the department or health officer that is adequate to protect against cross-connection;

(vii) Tank isolation in order to perform maintenance procedures; and

(viii) Other appurtenances appropriate for the protection of stored water from contamination;

(c) Be above normal ground surface level. If the bottom elevation of a storage reservoir must be below normal ground surface:

(i) The storage reservoir must be placed above the groundwater table; and

(ii) The top of a partially buried storage reservoir must be at least two feet above normal ground surface.

~~(2) ((The owner shall ensure that the distribution system is sized and evaluated using a hydraulic analysis acceptable to the department.~~

~~(3))~~ A Group B system((s)) designed to ((provide)) supply

fire hydrants (~~shall~~) must have a minimum distribution main size of six inches (150 mm) supplying each hydrant.

~~((4) New water systems or additions to existing systems shall provide a design quantity of water at a positive pressure of at least thirty psi throughout the system under peak hourly design flow conditions measured at any customer's water meter or at the property line if no meter exists.~~

~~(5) If fire flow is to be provided, the distribution system shall be designed to provide the required fire flow at a pressure of at least twenty psi throughout the system during peak hourly design flow conditions.~~

~~(6) Booster pumps needed for individual services shall be subject to review and approval by the department. Installation shall be made under the supervision of the owner to ensure cross-connection control requirements are met. Installation of booster pumps which are an integral part of the system design shall be inspected and certified by the engineer.))~~

AMENDATORY SECTION (Amending WSR 94-14-002, filed 6/22/94, effective 7/23/94)

WAC 246-291-220 Group B system disinfection ((of facilities)). ~~((No portion of a public water system containing potable water shall be put into service, nor, if service has been terminated, shall service resume, until the facility has been effectively disinfected. The procedure used for disinfection shall conform to the American Water Works Association standards or other standards acceptable to the department. In cases of new construction, drinking water shall not be furnished to the consumer until satisfactory bacteriological samples have been analyzed by a laboratory certified by the state.))~~ (1) A purveyor shall disinfect a Group B system before providing service to any consumer.

(2) The water system disinfection procedures must conform to the following standards:

(a) AWWA C651-05 or APWA/WSDOT (2010 revision), for water main disinfection;

(b) AWWA C652-02, for reservoir disinfection; and

(c) AWWA C654-03, for well disinfection.

AMENDATORY SECTION (Amending WSR 94-14-002, filed 6/22/94, effective 7/23/94)

WAC 246-291-250 Continuity of service. ~~((1) Notification shall include a time schedule for transferring responsibilities,~~

~~identification of the new owner, and under what authority the new ownership will operate. If the system is a corporation, identification of the registered agent shall also be provided.~~

~~(2) The system transferring ownership shall ensure all health-related standards are met during transfer and shall inform and train the new owner regarding operation of the system.~~

~~(3) No owner shall end utility operations without providing written notice to all customers and the department at least one year prior to termination of service.~~

~~(4) Nothing in these rules shall prohibit an owner from terminating service to a specific customer if the customer fails to pay normal fees for service in a timely manner or if the customer allows or installs an unauthorized service connection to the system.~~

~~(5) Where this section may be in conflict with existing state statutes, the more stringent statute shall prevail.) (1) A purveyor of a Group B system shall notify all the system's consumers in writing before transferring ownership. The notification must include a time schedule for transferring responsibilities, identification of the new owner, and under what type of authority the new ownership will operate.~~

~~(2) At least one year prior to terminating system operation, a purveyor of a Group B system shall notify all consumers in writing and provide a copy of the written notice to the department and health officer.~~

NEW SECTION

WAC 246-291-280 Existing Group B systems. (1) A purveyor of a Group B system shall apply for and obtain design approval under WAC 246-291-120, or approval under subsection (3) of this section before the system:

(a) Expands to serve a new service connection needing potable water; or

(b) Provides potable water for a new use of an existing service connection if a local permitting authority requires an approved public water supply as a condition of an approval of the new use.

(2) A local permitting authority may determine a Group B system constructed before January 1, 2013, without design approval under this chapter, to be adequate for existing connections if, at a minimum, the following requirements are met:

(a) The system's source(s) must meet well construction standards, under chapter 173-160 WAC;

(b) A well site inspection completed by the department, local health jurisdiction, or designee has documented that there are no sources of contamination in the SCA that could create a public health risk;

(c) The system meets water quality standards under WAC 246-

291-170, Table 2; and

(d) The system is capable of maintaining a minimum 20 psi at all points throughout the distribution system during peak demand.

(3) A purveyor of a Group B system approved prior to January 1, 2013, may provide potable water to additional service connections provided that:

(a) The expanded use is consistent with the existing design approval;

(b) The expanded use does not exceed the number of approved service connections; and

(c) The purveyor complies with all locally adopted requirements.

AMENDATORY SECTION (Amending WSR 94-14-002, filed 6/22/94, effective 7/23/94)

WAC 246-291-300 General ((monitoring)) requirements. (1) A purveyor of a Group B system shall provide potable water to the system's consumers.

~~(2) The department or health officer may require ((additional monitoring when it determines contamination is present or suspected in the water system or when it determines the source may be vulnerable to contamination.~~

~~(2) Special purpose samples shall not count toward fulfillment of the monitoring requirements of this chapter.~~

~~(3) The owner shall ensure samples required by this chapter are collected, transported, and submitted for analysis according to department approved methods. The analyses shall be performed by the state public health laboratory or another laboratory certified by the department. Qualified water utility, certified laboratory, or department personnel may conduct measurements for pH, temperature, residual disinfectant concentration and turbidity as required by this chapter, provided, these measurements are made in accordance with *Standard Methods*.~~

~~(4) When one Group B water system sells water to another public water system and the cumulative number of services or population served meet the definition of a Group A system, the owner of the selling system shall ensure that source monitoring is conducted in accordance with the minimum requirements for Group A community systems found in chapter 246-290 WAC.) a purveyor to collect water quality samples, have the samples analyzed by a certified lab, and report results as required under WAC 246-291-360, when the department or health officer:~~

~~(a) Determines a public health risk exists;~~

~~(b) Receives information documenting contamination;~~

~~(c) Receives a report of suspected or known waterborne illness from a health care provider as required under chapter 246-101 WAC;~~
or

(d) Is aware of, or observes, a situation in which the source may be vulnerable to contamination. For example, a source is vulnerable to contamination from a flood event.

AMENDATORY SECTION (Amending WSR 94-14-002, filed 6/22/94, effective 7/23/94)

WAC 246-291-360 Public notification. (~~((1) Responsibility. Within fourteen days of the violation, the owner shall ensure that water system users are notified when the system has a violation of a primary MCL.~~

~~(2) Content. Notices shall provide:~~

- ~~(a) A clear, concise, and simple explanation of the violation;~~
- ~~(b) Discussion of potential adverse health effects and any segments of the population that may be at higher risk;~~
- ~~(c) A list of steps the owner has taken or is planning to take to remedy the situation;~~
- ~~(d) A list of steps the consumer should take, including advice on seeking an alternative water supply if necessary;~~
- ~~(e) The owner's and manager's names and phone numbers; and~~
- ~~(f) When appropriate, notices shall be multilingual.~~

~~The owner may provide additional information to further explain the situation.~~

~~(3) Distribution. Owners shall ensure that a written notice is distributed to all water system users within fourteen days of a violation unless otherwise directed by the department.~~

~~(4) When circumstances dictate the owner give a broader or more immediate notice to protect public health, the department may require notification by whatever means necessary.~~

~~(5) When a system is granted a waiver for reduction of water quality standards, the owner shall ensure that customers are notified. The owner shall provide a notice annually and send a copy to the department.)~~

(1) A purveyor of a Group B system shall notify the department, health officer, and all system consumers in writing within twenty-four hours when the purveyor:

(a) Obtains a water quality sample analysis from a certified lab indicating the presence of *E. coli*;

(b) Obtains a water quality sample analysis from a certified lab indicating the presence of nitrate at a concentration at or above 10.0 mg/L; or

(c) Is aware of circumstances that pose a threat of acute contamination, such as a flood event.

(2) A purveyor of a Group B system required to monitor water quality under WAC 246-291-300 that is not required to notify consumers within twenty-four hours under subsection (1) of this section shall notify the department, health officer, and all system consumers, in writing, within thirty days of receiving the results from a certified lab if directed by the department or health

officer.

(3) If a Group B system constructed prior to January 1, 2013, has an arsenic concentration exceeding 0.010 mg/L, the purveyor shall notify consumers in writing:

(a) By March 31, 2013, if the sample analysis result from a certified lab was obtained prior to January 1, 2013;

(b) Within thirty days of receiving a sample analysis result from a certified lab; or

(c) Within thirty days of adding a new service connection under WAC 246-291-280(3).

(4) The public notification must include the following information:

(a) A description of contamination and any known problem(s);

(b) What the purveyor is doing to resolve the problem(s);

(c) Where to get information about potential health effects;

(d) What the consumers should do to protect their health, including the use of another source of water;

(e) When the purveyor expects the problem(s) to be resolved;
and

(f) Group B system contact information, including address, phone number, and if available, an e-mail address.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-291-020	Applicability.
WAC 246-291-040	Requirements for engineers.
WAC 246-291-100	Ground water source approval and protection.
WAC 246-291-110	Surface water and GWI source approval and protection.
WAC 246-291-130	Existing system approval.
WAC 246-291-230	Treatment design and operations.
WAC 246-291-240	Reliability.
WAC 246-291-260	Recordkeeping and reporting.
WAC 246-291-270	Cross-connection control.
WAC 246-291-310	General follow-up.
WAC 246-291-320	Bacteriological.
WAC 246-291-330	Inorganic chemical and physical.
WAC 246-291-340	Turbidity.
WAC 246-291-350	Other substances.