



Group A Public Water Supplies Chapter 246-290 WAC

Washington State Board of Health
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Division of Environmental Public Health

PUBLIC HEALTH
ALWAYS WORKING FOR A SAFER AND
HEALTHIER COMMUNITY



Department of Health Mission

We work with others to protect and improve the health of all people in Washington State.



Overview

- Reason for rule making
- Process for developing proposed rule
- Summary of public comments
- Next steps

Reason for Rule Making

- Federal Revised Total Coliform Rule
- Water system planning
- Disinfection
- Emergency sources and supplies

Reason for Rule Making (cont.)

- Revised Total Coliform Rule:
 - ✓ Necessary to maintain our formal agreement with EPA to carry out the Safe Drinking Water Act (SDWA)
 - ✓ Increases public health protection by requiring systems that are vulnerable to microbial contamination to identify and fix problems

Reason for Rule Making (cont.)

- Revised Total Coliform Rule:
 - ✓ Became effective on April 1, 2016 and applies to all Group A water systems
 - ✓ The department developed guidance and provides technical assistance to water systems

Reason for Rule Making (cont.)

- Water system planning:
 - ✓ Updates the planning cycle from 6 years to 10 years with the option to choose a shorter timeframe
 - ✓ Revises planning elements and forecasting requirements to align with the new planning cycle
 - ✓ Revises the triggers for expanding systems to submit a plan

Reason for Rule Making (cont.)

- Water system planning:
 - ✓ Broadens requirements for consistency with local government planning efforts
 - ✓ Clarifies conditions and options for plan amendments
 - ✓ Simplifies service area definitions

Reason for Rule Making (cont.)

- Disinfection:
 - ✓ Establishes new treatment requirements for desalination of seawater
 - ✓ Clarifies criteria that triggers continuous disinfection of groundwater sources
 - ✓ Clarifies criteria for monitoring, treatment techniques, and reporting violations to align with federal rules

Reason for Rule Making (cont.)

- Emergency sources:
 - ✓ Establishes safety requirements for emergency sources physically connected and physically disconnected to the distribution system
- Emergency Supplies (trucked water):
 - ✓ Establishes procedures for safe storage and delivery of drinking water during an emergency

Process for Developing Proposed Rule

- The Department of Health:
 - ✓ Developed draft rule language
 - ✓ Asked stakeholders and interested parties for comments on the draft rule
 - ✓ Asked water systems to provide costs of the draft rule
 - ✓ Briefed the Board in August 2016

Process for Developing Proposed Rule (cont.)

- The State Board of Health:
 - ✓ Filed the CR-102 Proposed rule making, including
 - Proposed rule language
 - Significant analysis
 - ✓ Notified stakeholders and interested parties to solicit comments
 - ✓ Written comment period ended September 28, 2016

Summary of Comments

Revised Total Coliform Rule

Comment	Department's Recommendation
Don't require small systems to monitor monthly	Adopt as proposed: The proposed rule does not change the monthly monitoring requirements which is required by the federal rule
Need clear guidance on how to determine representative sampling	Adopt as proposed: The department has guidance and will provide technical assistance taking into consideration a system's specific characteristics to determine representative sampling

Summary of Comments

Revised Total Coliform Rule

Comment	Department's Recommendation
How does the department approve who can conduct Level 2 assessments	Adopt as proposed: The proposed rule states that Level 2 assessments be conducted by a certified water distribution manager, professional engineer, LHJ, or department staff
Requiring systems to conduct an assessment consistent with department directives is too vague	Adopt as proposed: The proposed rule adopts the federal rule which provides flexibility for assessing the system based on system specific characteristics as identified in the EPA-approved assessment templates.

Summary of Comments

Water System Planning

Comment	Department's Recommendation
Is the term "wholesale" intended to match the definition of "wholesale system"	Amend proposed rule: Revise to clarify where wholesale water is provided to other systems in its service area by a "wholesale system"
Does the term capital improvements mean that a project includes maintenance functions	Adopt as proposed: Maintenance functions are to be performed on the systems infrastructure and are not considered capital improvements

Summary of Comments

Water System Planning

Comment	Department's Recommendation
Does the proposed rule require a water rights self-assessment in all cases	Adopt as proposed: The proposed rule has no effect on whether a system is obligated to complete a water rights self-assessment. The proposal clarifies addressing water rights is required, but the level of detail is based on the systems characteristics
Eliminating the ability for systems to interconnect in cases of loss of source or water shortage could cause curtailment	Amend proposed rule: Add clarifying language to allow interconnections prior to meeting the planning requirements due to health and safety issues

Summary of Comments

Water System Planning

Comment	Department's Recommendation
Systems should be able to use internal data for growth projections instead of complying with the Growth Management Act requirements	Adopt as proposed: The department is obligated under the Municipal Water Law to ensure all new connections are consistent with local plans and regulations

Summary of Comments

Water System Planning

Comment	Department's Recommendation
Service areas may include wholesale areas, it may be interpreted that a wholesale area must have local government consistency review too	Amend proposed rule: Add clarifying language that municipal water suppliers may exclude wholesale areas if systems receiving the water complies with the consistency review when developing a water system plan for new service connections.

Summary of Comments

Water System Planning

Comment	Department's Recommendation
Consider revising to clearly reflect that systems reporting distribution systems leakage totals are for the past six or more years	Amend proposed rule: Add clarifying language that municipal water suppliers may exclude wholesale areas if systems receiving the water comply with the consistency review when developing a water system plan for new service connections

Summary of Comments

Disinfection

Comment	Department's Recommendation
<p>Seems like a lot work for the department to determine if an instrument can accurately measure a lower disinfectant concentration request</p>	<p>Adopt as proposed: The department will evaluate requests based on the manufacturer's documentation to detect a lower value. As instruments are evaluated, the department will make a list available to help systems select appropriate instruments</p>

Summary of Comments

Disinfection

Comment	Department's Recommendation
Setting the disinfectant level at 0.2 mg/L increases exposure to disinfectant byproducts	Adopt as proposed: The current rule requirements meets the federal byproduct rule requirements to protect public health
Consider adding some missing approved turbidimeter methods to the proposed list	Amend proposed rule: Revise to add two additional EPA-approved methods: HACH method 10258, and AMI Turbiwell

Summary of Comments

Disinfection

Comment	Department's Recommendation
Verifying turbidity instruments every five days, if it falls on a weekend or holiday is costly.	Adopt as proposed: The rule allows verification twice per week, which can occur on weekdays
The language requiring verification of a chlorine analyzer should follow the order in the Code of Federal Regulations	Amend proposed rule: Revise to match the federal rule to correct this error

Summary of Comments

Disinfection

Comment	Department's Recommendation
Requiring continuous disinfection based on a risk assessment appears subjective	Adopt as proposed: The department evaluates and documents findings of a risk assessment during a sanitary survey, susceptibility assessment, or special investigation following a prescribed approach. This rule is a pro-active approach to address potential water quality threats and reduces the possibility of waterborne illnesses

Summary of Comments

Disinfection

Comment	Department's Recommendation
A shallow source is not defined. Continuous disinfection is costly to install and operate	Amend proposed rule: Revise to clarify that a shallow well is fifty or less feet. The rule requires continuous disinfection for systems that have a history of unsatisfactory coliform sample results
Ten days is too short a timeframe for systems to submit monthly reports	Adopt as proposed: Delayed reporting increases exposure to acute public health risks and is in alignment with all other monthly reporting requirements.

Summary of Comments

Disinfection

Comment	Department's Recommendation
A violation should only accrue when the utility fails to report on time over an extended period of months	Adopt as proposed: Delayed reporting increases acute public health exposures
Requiring continuous disinfection should be based on water quality data, not the criteria in the proposed rule	Adopt as proposed: The proposed rule adds a pro-active approach to address potential threats to water quality based on a sound risk assessment to reduce the possibility of waterborne illnesses

Summary of Comments

Emergency Sources & Supplies

Comment	Department's Recommendation
Including emergency sources in an emergency response program should not be enforced as a means to demonstrate continued water rights	Adopt as proposed: The proposed rule does not affect demonstration of continued water rights

Non-substantive Rule Changes

- After evaluating comments and recommending non-substantive changes, the department developed rule language changes for the Board's consideration.
- The changes provide clarity, correct omissions, and errors as identified in the formal written comments and department's recommendations, and the handout that identifies the non-substantive changes.

Next Steps

- File CR-103 (if proposed rule adopted) – November 2016
- Send Concise Explanatory Statement to commenters
- Rule effective date – 31 days after filing
- Prepare for implementation:
 - ✓ Modify technical assistance materials
 - ✓ Outreach to water systems and stakeholders

Questions?