

**Group A Public Water Supplies - Chapter 246-290 WAC
WSR 16-17-139
Formal Written Comments and Department of Health's Recommendations
October 6, 2016**

Revised Total Coliform Rule

Name & Entity Represented	Summary of Comments	Department of Health's Recommendation
<p>1. Donald Clark, Skagit River Resort Water System 2. Jacki Masters, Mt. View-Edgewood Water Company 2. John Roth, Clark Public Utilities 3. & 4. Wilie Harper, Seattle Public Utilities</p>	<p>1. WAC 246-290-300 Monthly Monitoring - Small systems should not be required to submit monthly coliform samples. The monitoring schedule should be based on water quality history not on sample submission deadline failures which is costly to the water system and adds no safety to the public. If there is no coliform positive samples in a twelve month period, systems should be allowed to monitor on a quarterly basis.</p> <p>2. WAC 246-290-300 Triggered Source Water Monitoring – Systems that have multiples sources, pressure zones, and significant geographic and hydraulic boundaries do not have clear guidance about how to determine representative sampling.</p> <p>3. WAC 246-290-320 (2)(b)(i) Requirements for assessments – It would be useful to clarify when and how the department approves who will conduct the Level 2 assessment.</p> <p>4. WAC 246-290-320 (2)(b)(ii)(F) Assessment elements - The rule states the system shall conduct the assessment consistent with any department directives that tailor specific assessment elements with the size and type of system, and size, type, and characteristics of the distribution system. This language is vague and open to broad interpretation.</p>	<p>1. Adopt as proposed: The department does not recommend making any monitoring frequency changes. The current rule requires monthly monitoring and the RTCR supports this schedule. Maintaining the current monthly monitoring schedule, as allowed by the RTCR, is better protective of public health. The RTCR does reduce the number of repeat samples small systems have to collect, and eliminates the current requirement for additional routine samples the month following a positive coliform sample.</p> <p>2. Adopt as proposed: The department does not recommend making any monitoring changes. The department has guidance available on the web and will provide technical assistance to systems, taking into consideration the system's specific characteristics. Under the RTCR, systems must submit a triggered source water monitoring plan in the system's sample siting plan which satisfies the RTCR monitoring requirements.</p> <p>3. Adopt as proposed: The department does not recommend making any changes. WAC 246-290-320 (2)(b)(iv)(A) states that the Level 2 assessment shall be conducted by either a water system distribution manager, a professional engineer, a local health jurisdiction, or the department which is also identified in department guidance.</p> <p>4. Adopt as proposed: The department does not recommend making any changes. The rule incorporates</p>

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		the federal rule language which provides flexibility for assessing the water system and its distribution system taking into consideration the systems characteristics following the department assessment templates. U.S. EPA has approved the assessment templates as part of the department's primacy agreement.

Water System Planning

Names & Entities Represented	Summary of Comments	Department of Health's Recommendation
1. John Roth, Clark Public Utilities	1. WAC 246-290-010 (232) Definition of service area – Is the term “wholesale” intended to match the definition of “wholesale system”? Please revise so the definition is clear.	1. Amend proposed rule: The department recommends making a non-substantive change to clarify where wholesale water is provided to other public water systems in its service area by a “wholesale system.”
1. Jacki Masters, Mt. View-Edgewood Water Company	1. WAC 246-290-100 Capital Improvements - The term is not defined in rule and it may be interpreted to mean that a project includes maintenance functions.	1. Adopt as proposed: The department does not recommend making any changes. Capital improvement projects are related to water system infrastructure improvements or replacements. Maintenance functions are to be performed on the systems infrastructure and therefore are not considered capital improvements.
1. Todd Dahlberg, City of Bellevue	1. WAC 246-290-100 (4) Elements of a water system plan – The current rule only requires a water resource analysis (including water rights self-assessment) <u>in order to demonstrate system capacity</u> . The proposed rule requires a water rights self-assessment in all circumstances.	2. Adopt as proposed: The department does not recommend making any changes. The proposed language has no effect on whether a water system is obligated in section -100(4)(f)(iv) to complete a water rights self-assessment. Subsection (4) sets the scope of the plan, and subsection (3) permits a cooperative determination of the required level of detail in the plan. The proposed rule clarifies that addressing water rights is required, but the level of detail can continue to be altered based on the system's characteristics.

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<ul style="list-style-type: none"> 1. Jacki Masters, Mt. View-Edgewood Water Company 1. Seattle Public Utilities 1. Sean Bauer, City of Kent 1. John Roth, Clark Public Utilities 	<p>1. WAC 246-290-106 (5) - Duty to serve – interties and temporary connections. Elimination of the flexibility for systems to interconnect for cases of a loss of a source or water shortage could cause curtailment.</p>	<p>1. Amend proposed rule: The department recommends making a change by adding clarifying language to allow systems to interconnect for public health and safety issues prior to meeting the requirements of this section. This allows systems to be responsive and avoid curtailment prior to meeting the planning requirements in section -106.</p>
<ul style="list-style-type: none"> 1. Paul Kamin, Eastsound Water Users Association 	<p>1. WAC 246-290-108(1)(a) & (2) Local Government Consistency - Based on past growth projects adopted by San Juan County there is little correlation with the actual growth pattern in our service area. Our system could incur additional costs to develop water system capacity for projected growth that is unlikely to occur or at a much slower rate than is projected by the county. Our system should be able to use internal data for growth projections instead of complying with the county’s GMA compliance requirements.</p>	<p>1. Adopt as proposed: The department does not recommend any changes to local government consistency requirements. The department is obligated under the Municipal Water Law (RCW 43.20.260) to ensure that all new connections to be served as identified in a water system plan, are consistent with local plans and regulations. The proposed rule clarifies that demonstration of local consistency is required for the “service area” rather than the “applicable service area” at the time of plan approval. This clarification gives municipal water suppliers the ability to serve new connections anywhere within an approved service area and also be in compliance with RCW 43.20.260. The rule does not mandate the installation of facilities based on population projection within a service area.</p>
<ul style="list-style-type: none"> 1. Joan Kersnar, Seattle Public Utilities 1. Sean Bauer, City of Kent 1. Linda McCrea, Tacoma Public Utilities 1. Bob Pancoast, East King County Regional Water Association 	<p>1. WAC 246-290-108 (2) Local Government Consistency – Because the definition of “service area” states that it may include “wholesale” areas, it may be interpreted that the wholesale area must have a local government consistency review too.</p>	<p>1. Amend proposed rule: The department recommends making a non-substantive change to clarify that municipal water suppliers may exclude wholesale areas provided that systems receiving wholesale water complies with the consistency review when developing a water system plan for any new service connections within its service area.</p>

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<p>1. Joan Kersnar, Seattle Public Utilities</p>	<p>1. WAC 246-290-810 (4)(i) Distribution System Leakage (DSL) – The proposed language implies that DSL totals need to be forecasted for the plan approval period. Consider revising to more clearly reflect the intent that systems reporting DSL totals are for the past six or more years.</p>	<p>1. Amend proposed rule: The department recommends making a non-substantive change to clarify that DSL <u>annual</u> totals for the past six <u>or more</u> years is included in a water system plan submission for approval.</p>

Disinfection

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<p>1. Sam Bocook, Transalta 2. Peg Wendling, City of Bellingham</p>	<p>1. WAC 246-290-451 (7) Detectable residual disinfectant Concentration - Rather than changing the disinfectant residual measured in the distribution system from detectable to 0.2 mg/L because many operators use color wheels that aren't accurate below that level, instead require a different method of detection. It seems like an unnecessary amount of man hours and paperwork for each system's instruments to be submitted for review and approval or denial by the department.</p> <p>2. WAC 246-290-451 (7) Detectable residual disinfectant Concentration - There is concern that setting the residual disinfectant level at 0.2 mg/L will increase the risk associated with exposing consumers to higher levels of disinfection byproducts.</p> <p>We use a HPC method for measuring disinfectant residual instead.</p> <p>Department Note: City of Bellingham is a surface water system, their disinfection residual monitoring requirement is governed by WAC 246-290-664 (6).</p>	<p>1. Adopt as proposed: The department does not recommend making any changes. The current rule lacks a definition for “detectable residual disinfectant concentration” and the proposed rule adds this term. The proposed minimum level of 0.2 mg/L is the lowest value that can be accurately measured using a color wheel test kit. The current rule lacked a provision for systems to request a lower detectable residual if they use a more sophisticated device with a great level of accuracy. The department will evaluate requests to use a lower value for approval based upon the instrument and the manufacturer’s documentation that it can measure the lower value. The proposal provides flexibility to systems to choose the instrument that best suits their needs and the department’s evaluation will ensure public health protection by maintaining a protective amount of disinfectant in all parts of the distribution system.</p> <p>2. Adopt as proposed: The department does not recommend making any changes. The proposed minimum level is the lowest value that can accurately be</p>

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		<p>measured using the commonly used color wheel test kit. Most states that the department surveyed use 0.2 mg/L. This proposed rule includes a provision for systems to use a lower value if they use a more sophisticated device with greater accuracy. The current rule sets requirements for disinfection byproducts that meets the federal rule requirements to protect the public from exposure to byproducts. The HPC method is more costly. Adopting the proposed rule will result in reduced annual operating costs for a typical water system.</p>
<ul style="list-style-type: none"> 1. Jamie LeBlanc, Skagit PUD 1. Mark Weeks, City of Everett 1. Ohm Kongtang, Swan Analytical USA, LLC 1. Peg Wendling, City of Bellingham 2. Jacki Masters, , Mt. View-Edgewood Water Company 2. John Roth, Clark Public Utilities 3. Joe Harbour, City of Bellevue 	<ul style="list-style-type: none"> 1. WAC 246-290-638 (4) Turbidimeters - Prescribing the type of bench models and continuous turbidimeters in rule does not allow the use of new models that no longer rely on EPA's approved methods. Purveyors need to have new equipment evaluated and approved by the department as new technologies become available. Turbidity measurement technology is undergoing rapid advances. The department needs to be able to approve new methodologies that are approved by EPA as they become available. Consider adding to the list of approved methods as follows: EPA approved alternative to Method 180.1 and Swan AMI Turbiwell. 2. WAC 246-290-638 (5) Chlorine analyzer verification – Verifying turbidity instruments every five days, if it falls on a weekend or holiday is costly. A weekly verification is more likely to be followed. 3. WAC 246-290-638 (5) Chlorine analyzer verification – The language requiring routine verification of chlorine analyzer should follow the order in 40 CFR 141.74(a)(2). 	<ul style="list-style-type: none"> 1. Amend proposed rule: The department recommends making a non-substantive changes to add two additional EPA-approved methods for turbidity, HACH Method 10258, and the SWAN AMI Turbiwell method, and clarify the less frequent calibration frequency needed for these added methods. 2. Adopt as proposed: The department does not recommend making any changes to the verification frequency. The proposed rule allows verification twice per week, which can occur on weekdays and also provides an option to allow flexibility meeting the requirements under 40 CFR 141.74(1)(2). 3. Amend proposed rule: The department recommends making a non-substantive change to the order of the proposed rule language to match the language in 40 CFR 141.74(a)(2). It is our intent to adopt the federal requirement.

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<p>1. Dan Mundall, Mundall Engineering 1. Alan Kerley, Lake Forest Park Water District 1. Clair Olivers, Washington Assn of Sewer & Water Districts (WAWSD) 2. Jacki Masters, Mt. View-Edgewood Water Company 3. Clair Olivers, WAWSD 3. Linda McCrea, Tacoma Water 4. Clair Olivers, WAWSD 5. Linda McCrea, Tacoma Water 6. Clair Olivers, WAWSD</p>	<p>1. WAC 246-290-451(4)(d) - Requiring continuous disinfection based on a risk assessment by the department appears subjective. The department's opinion of the risks rather than documentation does not provide a mechanism to discontinue continuous disinfection if the risk is removed. The proposal does not give another option when other means may be adequate. 2. WAC 246-290-451 (4)(d) - In agreement with the conditions requiring continuous disinfection. However, a shallow source is not defined. Systems with a history of non-detects for coliform should not have to chlorinate. Continuous disinfection is quite costly to install and operate. 3. WAC 246-290-451 (8)(c) – Ten days is too short a time for systems to submit reports. 4. WAC 246-290-453 (2)(e) – Ten days is too short a time for systems to submit reports. 5. WAC 246-290-453 (5) – A violation should only accrue when the utility fails to report on time over an extended period of months. 6. WAC 246-290-451 (4)(c) – Requiring continuous disinfection using this criteria is too subjective; should be based on water quality data.</p>	<p>1. Adopt as proposed: The department does not recommend changing the proposed requirements. Under the proposal, the department evaluates and documents the findings of a risk assessment for conditions that may pose a microbial contaminant threat to a source. The proposed rule adds a pro-active approach to address potential threats to water quality and reduce the possibility of waterborne illnesses. 2. Amend proposed rule: The department recommends making a non-substantive change to clarify that a shallow well is less than fifty feet deep. The department will require continuous disinfection for systems that have a history of unsatisfactory coliform sample results as stated in subsection (4)(b). 3. Adopt as proposed: The department does not recommend changing the proposed requirements. Lack of maintenance of a disinfection barrier presents an acute public health risk and delayed reporting increases exposure to the public. 4. Adopt as proposed: The department does not recommend changing the proposed requirements. Lack of maintenance of a disinfection barrier presents an acute public health risk and delayed reporting increases exposure to the public. 5. Adopt as proposed: The department does not recommend changing the proposed requirements. Lack of maintenance of a disinfection barrier presents an acute public health risk and delayed reporting increases exposure to the public. 6. Adopt as proposed: The department does not</p>

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		<p>recommend changes the proposed requirements. The department bases the determination on the presence of microbial contaminants. The proposed rule adds a pro-active approach to address potential threats to water quality and reduce the possibility of waterborne illnesses.</p>

Emergency Sources and Supplies

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<p>1. Joe Harbour, City of Bellevue</p>	<p>1. WAC 246-290-131 Inclusion of emergency sources in an emergency response program – This requirement should not be enforced retroactively as a means to demonstrate continued water rights.</p>	<p>1. Adopt as proposed: The department does not recommend making any changes. The proposed rule does not affect demonstration of continued water rights. The purpose of this proposal is to document information in their emergency response program including source characteristics, engineering design approval, a water quality monitoring schedule, and procedures to activate the emergency source. Requirements include identifying the actions a water system must complete to have an emergency source either physically connected or physically disconnected to their distribution system when not in use. The requirements protect public health by preventing the potential for unsafe water entering the distribution system during an emergency.</p>