

ARTICLE III

**RULES AND REGULATIONS OF THE THURSTON COUNTY BOARD OF
HEALTH GOVERNING WATER SUPPLIES**

SECTION:

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HEALTH GOVERNING WATER SUPPLIES**

PART 1. ALL WATER SUPPLIES

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HEALTH GOVERNING WATER SUPPLIES

Effective May 1, 1994

PART 1. ALL WATER SUPPLIES.

SECTION 1. AUTHORITY, PURPOSE AND GENERAL REQUIREMENTS. These regulations are adopted in accordance with Chapters 19.27, 43.20, 70.05, 70.116, 70.54 and 90.44 RCW, Chapters 173-160, 246-290 WAC, the Thurston County Coordinated Water System Plan, and Thurston County Ordinance Number 8149.

1.1 Purpose and Objectives. The purpose of these regulations is to protect the public health by minimizing the risks to human health by promoting safe drinking water and to establish:

1.1.1 standards for siting, design, and protection of drinking water sources; and

1.1.2 standards for construction of water sources, storage, treatment and distribution systems; and

1.1.3 standards for operation and maintenance of water systems; and

1.1.4 standards for decommissioning of wells to protect the drinking water resource.

1.2 General Requirements. Every residence, place of business, or other building or place where people congregate, reside or are employed shall be served by a water system that is designed and operated to deliver safe drinking water.

1.2.1 Single-family, two-party, and rental unit water supplies shall be subject to the requirements of PARTS 1 and 2 of this regulation.

1.2.2 All public water supplies except two-party systems shall meet the design, construction, monitoring, quality, quantity and operational standards of PARTS 1 and 3 of this regulation and Chapter 246-290 WAC. Two-party water systems shall be considered public water systems for the purpose of administering the Thurston County Coordinated Water System Plan. Only the buildings and projects identified in SECTION 7.3 are exempt from this regulation.

SECTION 2 SCOPE AND APPLICATION.

2.1 Water Availability. These regulations shall apply to all water supplies in Thurston County for purposes of determining water availability.

2.2 Joint Plan of Operation. The application of these regulations shall be in accordance with Chapter 43.20 RCW, SECTION 3.1, Joint Plan of Operation, and any legal agreements between the Washington State Department of Health and the Thurston County Board of Health. The Joint Plan and department procedures shall be developed to minimize any duplication of effort or duplication in application of standards.

2.3 Supplemental to WAC 246-290. Parts 1, and 3 of these regulations shall apply to public water systems and shall be supplemental to WAC 246-290 and other applicable Washington State laws. In case of conflict between these regulations and any State law, the more stringent shall apply.

2.4 Vesting of Water System Plans and Approvals. Water system plans submitted prior to the effective date of these regulations will be reviewed for compliance with the regulations in effect at the time of submission. Water system plans submitted after the effective date of these regulations must comply with these regulations. This includes water system plans for subdivisions, mobile home parks, or other development projects, which have been granted only preliminary land use approval.

SECTION 3 ADMINISTRATION. The health officer shall be responsible for the administration of these regulations.

3.1 Joint Plan of Operation. The health officer shall apply the public water supply requirements of this regulation as designated in a joint plan of operation that delineates the roles of state and local health departments. This joint plan of operation shall be that which is agreed to by the Thurston County Board of Health and the Washington State Department of Health and adopted in accordance with WAC 246-290-030. The department shall solicit input from affected utilities in future revisions of the plan. The department shall provide a copy of this agreement to each public water supply within Thurston County as part of the operational permit program. Copies will be provided to the public upon request.

3.2 Contracts with Building Officials. The health officer shall administer the provisions of water availability contained in SECTIONS 7, 9, and 18 in accordance with the conditions of signed contracts with jurisdictional building officials.

3.3 Mapping. The department shall maintain, and make available a map depicting the locations of known or suspected groundwater contamination and areas where groundwater may not be available.

3.4 Inspections. The health officer may perform inspections as necessary to assure compliance with these regulations.

3.5 Appeals. Any person aggrieved by a decision, an inspection, or notice by the health officer and who is qualified to appeal under SECTION 6,7,8, or 13 of Article 1 shall have the right to appeal the matter as specified in Article I.

SECTION 4 DEFINITIONS. Unless modified by this code, definitions shall be as indicated in WAC 246-290.

4.1 Approved. Acceptable to the health officer based on his/her determination as to conformance with appropriate standards and good public health practices. All approvals shall be made in writing by the health officer.

4.2 Contaminant. Any substance present in drinking water which may adversely affect the health of the consumer or aesthetic quality of the water.

4.3 Department. The Thurston County Public Health and Social Services Department.

4.4 Disinfection. Introduction of chlorine, or other agent approved by the health officer, in a sufficient concentration and followed by an adequate contact time so as to kill or inactivate pathogenic and indicator organisms.

4.5 Distribution System. The piping used to deliver water intended for human consumption

4.6 Full Compliance. Meets all the requirements of WAC 246-290 and this article.

4.7 Health Officer. The health officer of the department as provided for in Chapter 70.05 RCW or his/her duly authorized representative.

4.8 Group A Water System. A Group A water system shall be a system:

4.8.1 With fifteen or more service connections, regardless of the number of people; or

4.8.2 Serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

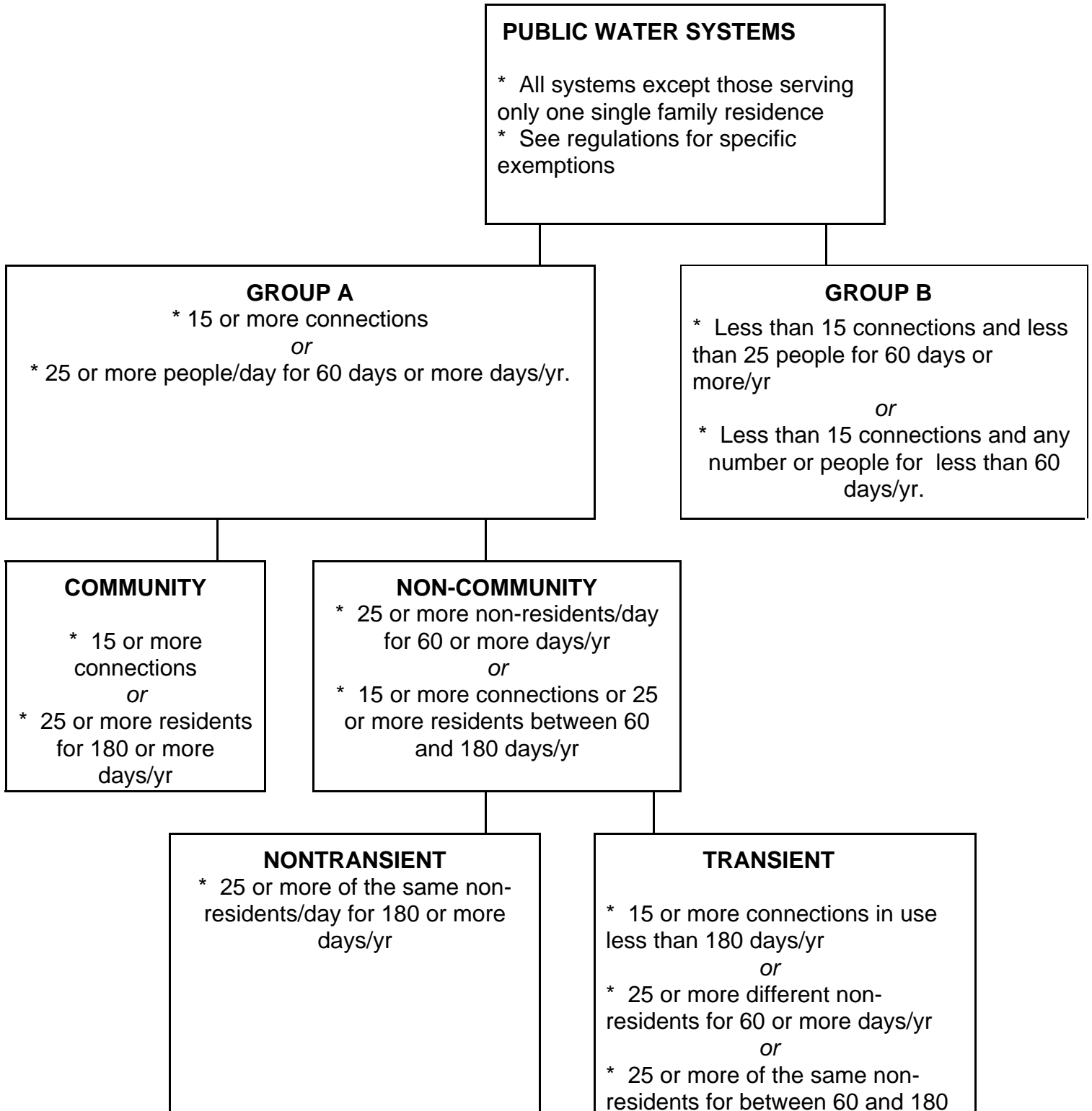
4.8.3 Group A systems are further classified as community and noncommunity water systems as defined in WAC 246-290-020 and shown in Table 1.

4.9 Group B Water System. All public water systems which are not Group A water systems. This includes water systems with less than fifteen service connections and serving:

4.9.1 Less than twenty-five people for sixty or more days within a calendar year; or

4.9.2 Any number of people for less than sixty days within a calendar year.

TABLE 1 Categories of Public Water Systems





days/yr
or
* 25 or more residents for
between 60 and 180 days/yr

4.10 **Noncompliance.** Any public water system that is not in full compliance or substantial compliance with this regulation or WAC 246-290.

4.11 **Potential Source of Contamination.** Any cesspool, sewer, privy, septic tank, drainfield, manure pile, garbage of any kind or description, barn, chicken house, rabbit hutch, pigpen, or other enclosure or structure for the keeping of fowl or animal, or storage of liquid or dry chemical, herbicide or insecticide, or any other item that may have potential for adversely affecting the quality of the water as determined by the health officer.

4.12 **Public Water System.** Any system, excluding a system serving only one single-family residence and any system with four or fewer connections all of which serve residences on the same farm, providing piped water for consumption, including any:

4.12.1 Collection, treatment, storage, and distribution facilities under control of the purveyor and used primarily in connection with the system; and

4.12.2 Collection or pretreatment storage facilities not under control of the purveyor which are primarily used in connection with such system.

4.12.3 Public water systems shall be further categorized as Group A systems and Group B systems as identified in Table 1.

4.13 **Purveyor.** An agency or subdivision of the state or a municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or other entity owning or operating a public water system. Purveyor also means the authorized agent of such entities.

4.14 **Rental Unit.** A single-family dwelling or a single unit residential structure intended for human habitation where the structure is provided for occupancy by persons other than the owner or immediate family members of the owner. This definition does not include a structure with multiple residential units such as apartments.

4.15 **Sanitary Survey.** An on-site evaluation of an existing water supply, performed by the health officer, concerning the location of the water source and its suitability for a water supply source, and the physical construction of the system. The survey may also include a review of records indicating the bacteriological and chemical quality of the water, source and system capacity, and compliance with state and local rules and regulations concerning water

supplies.

4.16 **Service.** A connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. When the connection is a group home or barracks-type accommodation, two and one-half persons shall be equivalent to one service.

4.17 **Single-family Dwelling.** One residential structure intended for occupancy by an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage.

4.18 **Single-family Water Supply.** Any water system constructed or proposed to serve one single-family, owner-occupied dwelling.

4.19 **Substantial Compliance.** A public water system will be considered to be in substantial compliance if all of the following conditions are met:

4.19.1 Planning requirements are fulfilled, or are being actively pursued, if applicable; and

4.19.2 Plans and specifications for relevant portions of the system have been approved, and projects have been certified as complete in accordance with WAC 246-290-040; and

4.19.3 Satisfactory coliform monitoring has been performed for the last 12 months in compliance with WAC 246-290; and

4.19.4 Satisfactory inorganic chemical and physical contaminant monitoring has been performed in compliance with WAC 246-290; and

4.19.5 Satisfactory volatile organic chemical monitoring has been performed in compliance with WAC 246-290, when required; and

4.19.6 Satisfactory radionuclide monitoring has been performed in compliance with WAC 246-290, when required; and

4.19.7 There are no unresolved health related complaints in the files for the last 12 month period; a complaint will be deemed resolved when the health officer determines there is no substantiated health related problem or violation of health regulations; and

4.19.8 There is a satisfactory response from the purveyor or owner to any department or Washington State Department of Health directive.

4.20 **Two-Party Water Supply.** Any public water system constructed or proposed to serve

only two single-family living units or two single-family dwellings. An example of a two-party system is a system that serves a duplex or two single-family houses.

4.21 Water Availability. A determination that safe drinking water is provided to meet the intent of the Growth Management Act of 1990, as amended, and other requirements for the provision of a safe and adequate water supply. The standards for the determination are located in SECTIONS 7,9, and 18 of this regulation.

4.22 Water Source. Any well, spring, or surface body of water used for the purpose of supplying water.

4.23 Water System. Any combination of water source, collection, treatment, storage, and piping which supplies drinking water for human consumption. The terms "water system" and "water supply" shall be interchangeable.

4.24 Well. Any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering, or withdrawal of ground water.

4.25 Well Decommissioning. The process of filling or plugging a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifers.

SECTION 5 WATER SOURCE PROTECTION. Drinking water shall be obtained from the safest known source of water available. No new water source, previously unapproved water source for a public supply, or modification of an existing water source for a public supply shall be used without approval from the department. Single-family water sources or single-family systems existing at the time of adoption of these regulations will be exempt from this section.

5.1 Location. All new water sources and previously unapproved public sources shall be located, constructed, protected and maintained in a manner which will preserve the quality of the water source and minimize the potential for contamination and be so situated and developed as to prevent surface water from entering the well or spring. Any new water source proposed to be located within the Thurston County Critical Water Supply Planning Area must comply with the applicable requirements of the Thurston County Coordinated Water System Plan. All new water sources shall be identified and tagged in a manner prescribed by the department and the Washington State Department of Ecology.

5.1.1 New water sources shall not be located in areas where water is available from an existing Group A public water supply. The health officer shall determine that water is available from the existing public water supply when the conditions of water availability in SECTION 18.1 can be satisfied. The health officer shall exempt an applicant from this requirement if the applicant can demonstrate all of the following:

5.1.1.1 the water source can meet all standards for isolation and construction without variances; and

5.1.1.2 the cost will be less than connection to another supply; and

5.1.1.3 the location of the new source is consistent with all other applicable water supply requirements, land use plans, and ground water management plans.

5.1.2 New water sources shall not be located in areas of known or suspected contamination or within 1000 feet of a solid waste landfill unless authorized by the Washington State Department of Ecology.

5.1.3 New water sources may be approved only if a sanitary control area meeting the requirements of this SECTION 5 is established. The sanitary control area shall consist of all land within the radius of one hundred (100) feet of a well and within two hundred (200) feet of a spring. The sanitary control area may be of a greater or lesser size or of a different shape than is defined by the control radius if justified or deemed necessary by an evaluation of geological or hydrological data, water source construction details, and other relevant factors. Exceptions to the required control area shall be allowed for single family and rental unit water sources in accordance with SECTION 5.4.1.1.

5.1.4 New water sources shall not be located in depressional areas or drainage ways where surface water may flow or accumulate, or in designated 100 year flood areas unless special measures or construction techniques are proposed to, and approved by, the health officer to protect the water source and aquifer.

5.1.5 Permanent access to water sources shall be provided and maintained. The physical location of the source shall be maintained to allow for pump replacement, inspection, and adequate repairs. Access easements shall be provided for all new water sources, which are not located upon property under the ownership and control of the source owner or water purveyor.

5.1.6 All existing water sources shall be maintained in a manner to assure the quality of the water source and minimize the potential for contamination.

5.2 Water Source Site Application. An approved water source site is required to assure adequate sanitary control and conditions in the immediate vicinity of the source. In order to obtain an approved water source site, the purveyor or owner shall submit a water source site application to the health officer.

5.2.1 The purveyor or owner seeking water source site approval shall provide a scale map containing the following information with the water source site application:

5.2.1.1 All area within two hundred (200) feet of a well source or three hundred (300) feet of the spring source, depicting topography and the distance to the well, spring, or intake from existing property lines, easements, buildings, potential sources of contamination, ditches, drainage patterns, and any other natural or man-made features that may affect the quality or quantity of water; and

5.2.1.2 Any landfills, as defined by WAC 173-304, within one thousand (1000) feet of the source; and

5.2.1.3 The dimensions and location of the sanitary control area; and

5.2.1.4 Wellhead Protection Area requirements for public water systems shall meet the requirements of WAC 246-290.

5.2.2 The information on the water source site application shall be consistent with information submitted in the plans and specifications per SECTION 8 or SECTION 12.

5.2.3 In order to facilitate a water source site inspection by the health officer, the applicant shall flag the specific location of proposed water source sites.

5.3 Water Source Site Inspection. Upon receipt of a water source site application, the health officer will review the submitted information. The health officer will conduct a site inspection for proposed public water source. After an evaluation of available geological and hydrological data, proposed water source construction details, and other relevant factors, the health officer may determine that a sanitary control area of a greater or lesser size or a different shape than is proposed in the water source site application is necessary to assure adequate sanitary control in the vicinity of the source.

5.3.1 The health officer shall consult with the county ground water staff and Washington State Department of Ecology as appropriate in this determination. The health officer shall approve the water source site if the requirements in SECTIONS 5.1 and 5.2 and this section are satisfied.

5.4 Sanitary Control Area. The water purveyor or owner shall control all land included within the sanitary control area specified in the approved water source site application.

5.4.1 All land included within the sanitary control area shall be owned by the water purveyor or owner in fee simple, or he/she must have the right to exercise complete sanitary control of the land through the provisions of a long-term renewable lease, or a restrictive easement, or a restrictive covenant, or some combination of these. The document shall contain a statement to the effect that no potential source of contamination as determined by the health officer will be constructed, stored, disposed of, or applied within the sanitary

control area without the prior, written approval of the health officer. See Appendix B.

5.4.1.1 The health officer shall grant a reduction to the control area for single family and rental unit water sources on legal lots of record existing on May 1, 1994 when it is not possible to secure sanitary covenants for portions of the sanitary control area that are not owned in fee simple by the lot owner. However, any reduction shall be consistent with state law, including but not limited to the following regulations:

5.4.1.2 Chapter 173-160 WAC which requires a 100 foot setback from any source of contamination observed at the time of placement of a well and a 1000 foot setback from any existing solid waste landfill; and

5.4.1.3 Chapter 246-272 WAC which requires setbacks between on-site sewage disposal system components and water sources.

5.4.2 Continuity of the sanitary control area shall be assured by an appropriate method of legal control as specified in section 5.4.1. The legal control shall remain in effect until such time as the water source is decommissioned in conformance with section 5.6.

5.4.3 The documents specified in SECTION 5.4.1 and the scale map noted in SECTION 5.2.1 shall be recorded with the county auditor and a copy of each document shall be filed with the health officer.

5.5 Areas of Known or Potential Contamination. The health officer shall review all available ground water quality information as part of the well site evaluation. The mapping referenced in SECTION 3.3 shall be utilized as part of the source site evaluation.

5.6 Well Decommissioning. The property owner or well owner shall be required to decommission a well in conformance with the requirements of WAC 173-160.

5.6.1 The department shall require the property owner or well owner to decommission any well:

5.6.1.1 that is abandoned, unusable, or not intended for future use; or

5.6.1.2 that is an environmental, safety, or public health hazard.

5.6.2 **Exception.** Decommissioning of a well shall not be required if:

5.6.2.1 The well construction, condition, and maintenance is such that no environmental, safety, or public health hazard will result; and

5.6.2.2 A protective covenant is filed to provide adequate protection of the

sanitary control area; and

5.6.2.3 The well is adequately identified and tagged per the requirements of SECTION 5.1; and

5.6.2.4 The sanitary control area remains free of potential sources of contamination.

5.6.3 **Guidelines.** The department shall develop decommissioning guidelines to be used in review of land use projects. The guidelines shall identify a process by which wells are to be identified, protected or decommissioned in all land use projects.

5.6.3.1 The guidelines are to be provided to all public agencies involved in land use and environmental review: planning departments, building departments, and public works departments.

5.6.3.2 The department shall work with other agencies to adopt memorandums of understanding to implement the guidelines as land use standards.

SECTION 6 WATER SOURCE CONSTRUCTION

6.1 **Groundwater Source.** The construction of all ground water supplies shall be in accordance with the Minimum Standards for Construction and Maintenance of Wells WAC 173-160, as adopted and amended by the Washington State Department of Ecology pursuant to the Water Well Construction Act, Chapter 18.104 RCW.

6.2 **Spring Source.** The construction of springs shall be in accordance with the standards of the U.S. E.P.A. Manual of Individual Water Supplies (1982, pages 56-58) as may be amended.

6.3 **Surface Water Source.** The construction of surface water sources shall meet the standards as follows:

6.3.1 Public water systems including two-party systems must meet the standards of WAC 246-290.

6.3.2 Single-family and rental unit water systems must meet the design requirements in SECTION 9.1.2 of this regulation.

SECTION 7 DEMONSTRATION OF WATER AVAILABILITY. The applicant for any building permit for a structure which requires potable water, a mobile home placement permit, or a building site approval, shall provide sufficient information to allow the health officer to make a determination of water availability. The applicant for any development including, but not

limited to, subdivisions, planned unit developments, and mobile home parks that would require a potable water supply, must also provide such information to the health officer prior to the issuance of a certificate of water availability. The health officer may consider departmental records, any available information, results of on-site inspections, or request additional information in the determination of water availability.

7.1 New Construction and Development, Including Mobile Home Placement. A Letter of Water Availability shall be submitted to demonstrate compliance with the Minimum Standards for Water Availability in SECTION 9 or 18.

7.2 Remodels. The applicant for a remodel permit shall not be required to demonstrate water availability if the proposed construction will not result in an increase in water use.

7.2.1 The applicant for a remodel permit may be required to demonstrate water availability when the remodel would result in an increase in water usage (e.g., conversion of a cabin, as defined in the Uniform Building Code, to a residence, conversion of a residence to a restaurant, but not just the increase of bedrooms from three to four in a single family residence). The evidence, when required, shall be in the form required in SECTION 7.1.

7.3 Vested Approvals.

7.3.1 Building Permits and Building Site Approvals. The water source proposal for permit applications or building site applications submitted prior to the effective date of these regulations is not subject to these regulations governing water availability. The applicant shall demonstrate water availability as required by these regulations prior to renewal of an application or permit.

7.3.2 Existing Residences and Buildings. No building, dwelling or other structure which is existing prior to the effective date of this regulation shall be required to conform to this section. A certificate of water availability will be required prior to the issuance of a building permit when there is a proposal for an increase in water use (e.g., conversion of a cabin to a residence).

**PART 2. SINGLE FAMILY, TWO-PARTY,
AND RENTAL UNIT WATER SUPPLIES**

PART 2. SINGLE-FAMILY, TWO-PARTY, AND RENTAL UNIT WATER SUPPLIES.

SECTION 8 PLANS.

8.1 Water System Plans Required. Complete water system plans and specifications shall be submitted to the health officer for review and approval for all single-family, two-party, and rental unit water supplies. Additionally, two-party water systems must meet the priority of service conditions and design requirements of the Thurston County Coordinated Water System Plan when applicable.

8.1.1 Plans shall be submitted and approved prior to installing any portion of a new water system.

8.1.2 Construction shall be in conformance with the approved plans unless deviations are first submitted to the health officer and receive written approval of the health officer. Minor deviations required during construction need not be submitted for prior approval. Examples of minor deviations are: changes that do not change the hydraulic function of the system, pumphouse plumbing changes that do not alter the sequence of system components, or relocation of water lines by a few feet when all required set backs are maintained.

8.1.3 This section does not apply to routine repairs and maintenance.

8.2 Plan Preparation. Plans for single family, two-party, and rental unit water systems may be prepared by the property owner, applicant, or agent of the applicant. However, plans for systems utilizing a surface water source or two-party systems located within the Thurston County Coordinated Water System Plan area must be designed by a professional engineer.

8.3 Plan Content. Plans and specifications shall contain, but not be limited to:

8.3.1 A site plan showing the source location and required sanitary control area.

8.3.2 A schematic of the well head and well house construction. The applicant may indicate the intent to comply with the schematic provided in Appendix A of this article to comply with this section.

8.3.3 Plans for single family and rental unit water systems using surface water must meet the requirements of SECTION 9.1.2 of this regulation.

8.3.4 Plans for two-party systems located within the Thurston County Coordinated Plan area must meet the requirements of the Thurston County Coordinated Water System Plan.

SECTION 9 MINIMUM STANDARDS FOR WATER AVAILABILITY FOR SINGLE FAMILY, 2-PARTY, AND RENTAL UNIT WATER SUPPLIES.

The health officer shall consider the following as evidence of water availability:

9.1 Letter of Water Availability. A Letter of Water Availability provided by the applicant with the following supporting information depending on the type of water source:

9.1.1 For wells or springs from ground water source:

9.1.1.1 Evidence of water source site approval per SECTION 5; and

9.1.1.2 A water right permit, when required by the Department of Ecology; and

9.1.1.3 Verification that all land within the sanitary control area included in the approved water source site application is controlled by the owner per SECTION 5.4.; and

9.1.1.4 Construction documents in the form of a well driller's report for wells and a source construction schematic for wells and springs. The documents must demonstrate compliance with SECTION 6 of this article; and

9.1.1.5 Water quality analysis report from a state of Washington certified laboratory indicating compliance with public drinking water standards for coliform bacteria and nitrate. The water quality must meet the standards of WAC 246-290-310 Maximum Contaminant Levels. The health officer may require additional information if there is information to suggest that other contaminants may be present; and

9.1.1.6 A water quantity report from the well driller, pump supplier, or other qualified person. The report must be in the form of a pump test, bailer test, or air test for wells or a flow test for springs. The test must assure that a minimum quantity of four hundred (400) gallons per day is available for single-family sources and 800 gallons per day for two-party sources.

9.1.2 For A Surface Water Source:

9.1.2.1 Evidence that demonstrates it is not possible to secure water from another source such as a drilled well or another water system; and

9.1.2.2 A water right permit from the Washington State Department of Ecology;
and

9.1.2.3 Documentation that the water system has been designed and the construction is supervised by a professional engineer; and

9.1.2.4 The design includes continuous filtration and disinfection as a minimum degree of treatment; and

9.1.2.5 Documentation that a Notice of Understanding explaining the potential health risks and loan certification liabilities is filed with the county auditor. The Notice of Understanding must be signed by the property owner and filed prior to the approval of the building site application or health department comment on a building permit. The notice shall alert the applicant or any future property buyer or owner to the following:

9.1.2.5.1 While the treatment unit(s) may, in theory, provide drinking water which meets the minimum quality standards for bacteria, they may not protect against contamination by chemicals. Additionally, routine operation and maintenance practices are essential for the provision of safe drinking water. It is recognized by state and local health departments that the maintenance of home treatment systems is generally inadequate, and generally there is a lack of source protection and control especially when considering chemical contaminants; and

9.1.2.5.2 The Department of Housing and Urban Development (HUD) under 24 CFR Part 200, Minimum Property Standards for One and Two Family Dwellings, states that "Water that requires continuing or repetitive treatment to be safe is not acceptable. Individual dwelling water purification units are not an acceptable alternative but may be used to improve acceptable water." This means that those houses served by individual water supplies requiring treatment for quality will not be eligible for federal financing options such as FHA loans, etc.

SECTION 10 OPERATIONS. The department shall develop a policy to recommend sampling parameters and sampling frequency for single family and rental unit water supplies. The policy shall serve as a guideline for individual homeowners and landlords needing to comply with the Residential Landlord Tenant Act, Chapter 59.18 RCW.

PART 3. PUBLIC WATER SUPPLIES

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SECTION 11 GENERAL. The requirements of the State Board of Health Drinking Water Regulations, WAC 246-290, shall apply to public water supplies in Thurston County. Additionally, more specific requirements are established for systems regulated by the department as noted below. Two-Party water systems, while defined as public water systems, are regulated by Part 2 of this regulation and are exempted from Part 3.

SECTION 12 PLANS. All water system plans and engineering documents or final plans and specifications required for public water systems shall be prepared by licensed, registered, or certified persons noted below. The seal or signature of the licensed, registered, or certified person shall be placed on all copies of plans and specifications, engineering reports or water system plans submitted to the health officer for review.

12.1 Group A Systems: Only professional engineers registered in the State of Washington may prepare plans for Group A public water systems.

12.2 Group B Systems: Professional engineers registered in the State of Washington, Sanitarians registered in the State of Washington, or Water System Designers certified in accordance with SECTION 17 of this article may prepare plans for Group B public water systems.

SECTION 13 DESIGN. Public water systems shall be designed in conformance with the requirements of WAC 246-290, The State Board of Health Drinking Water Regulations. Two-party water systems shall be exempt from this requirement and shall meet the requirements of Part 2 of these regulations.

SECTION 14 PERMIT REQUIRED. No purveyor shall operate a public water system, with the exception of a two-party water supply, after January 1, 1996 without a valid public water supply permit. Water supplies that are approved by the health officer and have paid the permit fee (see Appendix A to Article I) will be issued a public water supply permit. Purveyors of water supplies, which are not currently approved by the health officer, will be issued a conditional public water supply permit upon payment of the permit fee. Water supplies with conditional permits will not be allowed to expand until all requirements of WAC 246-290 are satisfied.

14.1 No Duplication. Public water systems shall not be required to secure a permit from both the department and the Washington State Department of Health. The Joint Plan of Operation specified in SECTIONS 2.3 and 3.1 shall determine which agency shall have jurisdiction.

14.2 Permit Renewal. The purveyor may renew a public water supply permit or a conditional public water supply permit by making application and payment of the permit fee

and demonstrating full compliance or substantial compliance with WAC 246-290 or satisfactory progress on an established compliance schedule.

14.3 Noncompliance. Purveyors of systems in noncompliance will be notified by the department and directed to take the following actions:

14.3.1 apply for a sanitary survey for evaluation of the system; and

14.3.2 notify all customers or users of the system deficiencies or items required to bring the system into compliance as directed by the health officer; and

14.3.3 provide information to the department to secure approval of the system in accordance with WAC 246-290-140. The health officer may establish a compliance schedule to allow continued operation of the system within stringent conditions to protect the health of the users and a plan to bring the system into substantial compliance.

14.4 Transfer of Permit. A permit transfer will be required to transfer a public water supply permit or conditional public water supply permit from one purveyor to another of the same water supply, or whenever the name of the public water supply is changed. A transfer fee shall be paid to the department in accordance with the fee schedule adopted in Article 1 of this code.

SECTION 15 OPERATION AND MAINTENANCE All public water systems shall have a plan designating an individual or group responsible for the operation and maintenance to assure continuous reliable service at all times in a manner consistent with the size, complexity, and use of the water system. Such plans may be prepared by the owner or purveyor. All plans must be in compliance with WAC 246-290-400 through 490. System developers or purveyors shall submit a copy of an operation and maintenance plan to the health officer or Washington State Department of Health for review and approval and the approved document must be filed with the county auditor prior to approval of the water supply. Additionally, it shall be the responsibility of the water purveyor to submit an operation and maintenance plan to the health officer for review and approval and assure that the plan is filed with the county auditor prior to any change in responsibilities or transfer of system ownership.

SECTION 16 BONDING OF PUBLIC WATER SUPPLIES.

16.1 Bond Alternative to Construction. As an alternative to complete installation of a public water supply prior to final approval by the Washington State Department of Health or the department, the purveyor may provide a performance bond in favor of the department and sign an agreement with the department. The bond and agreement shall guarantee that construction will be completed within one (1) year of the date of the approval of the agreement. The bond shall be:

16.1.1 from a reputable bonding company, on a satisfactory form; and

16.1.2 in an amount based on an estimate prepared by a licensed professional engineer, a registered sanitarian, or a certified water designer, or a bid by a licensed contractor, plus thirty-five percent (35%) (20% for a two-year inflationary period; 10% for contract expenditure; and 5% for administrative costs); and

16.1.3 the costs must be based upon conformance with approved plans and specifications.

All of the above shall be to the satisfaction of the Washington State Department of Health or the health officer and legal counsel for the Thurston County Health Department. As a condition precedent to acceptance of a bond, the water source and pump installation shall be provided, proven and approved; the water source shall also be tested for coliform bacteria and chemicals to meet the requirements of WAC 246-290.

16.2 Remaining Work Items and Associated Costs. Preliminary to bonding, an itemized list of costs for completion must be submitted with the water system plans to the jurisdictional health department as identified in the joint plan of operation.

16.3 Monies on Deposit. Monies on Deposit for completion of the water system may be provided in lieu of a bond if confirmed in writing by a reputable financing firm to the satisfaction of the health officer and legal counsel for the Thurston County Health Department.

16.4 Completion. The water system shall be completed, including availability of water to each lot, within one (1) year from the date of approval of the agreement.

16.5 Renewal. The bond shall be renewed by the developer or purveyor if the system is not completed within one year. The cost estimate must be revised and the bond shall be revised accordingly.

16.6 Release. The bond or "monies on deposit" may be released upon documentation that the system has been completed in conformance with the approved plans and specifications

and applicable regulations.

SECTION 17 CERTIFICATION OF GROUP B WATER SYSTEM DESIGNERS.

17.1 Certification Required. It shall be unlawful to engage in business as a public water system designer without certification as a Group B water system designer. Professional engineers licensed by the State of Washington and registered sanitarians certified in the State of Washington are exempt from this requirement.

17.2 Application. Application for certification to design Group B water systems shall be made to the health officer, who shall require written examination of the applicant. Initial certification shall be granted if the applicant scores a minimum of seventy-five (75%) per cent on the examination.

17.3 Revocation/Suspension. A Group B water system designer's certification may be suspended or revoked in accordance with Article I. The following shall be cause for suspension or revocation of the certification: repeated submission of design information that does not meet requirements or good design practice, repeated errors or omissions, submission of misleading or false information, or repeated design work or practices that are not in the public interest.

17.4 Certification Fee. There shall be an initial fee and a renewal fee as specified in Article I. If the renewal fee is not paid by January 31, it will be classed as a new application and the initial fee shall be required for reinstatement. In such case, reexamination may also be required of the applicant. Unless renewed, all certifications shall expire on the 31st day of December each year. All certifications shall be issued only for the unexpired portion of the calendar year in which the application is made.

SECTION 18 MINIMUM STANDARDS FOR WATER AVAILABILITY FOR PUBLIC WATER SUPPLIES.

The health officer shall consider the following as evidence of water availability:

18.1 Existing Public Water Systems.

18.1.1 The applicant must provide a Letter of Water Availability signed by an authorized representative of the water system indicating that the system will serve the proposed building or development. This letter must contain a statement that the representative has reviewed the system records and that the proposed service is within the scope of the system's water right, plan approval, and is in full or significant compliance with WAC 246-290, the State Board of Health Drinking Water Regulations and this Article.

18.1.2 The health officer will review the water system files and the information in the Letter of Water Availability to determine if the system is in full compliance, substantial

compliance, or non-compliance with WAC 246-290 and this article. The following determination may be made:

18.1.2.1 A determination that water is available shall be made for systems found to be in full compliance.

18.1.2.2 A determination that water is available or is not available may be made for systems that are found to be in substantial compliance depending upon the nature of deficiencies and the time necessary for correction.

18.1.2.3 A determination that water is not available shall be made for systems that are in noncompliance.

18.2 New Public Water Systems

18.2.1 Documentation that the applicant has complied with the priority of service provisions of the Thurston County Coordinated Water System Plan where applicable; and

18.2.2 Documentation that the system has been constructed and approved as a public water system per the requirements of WAC 246-290 and this article.

SECTION 19 ENFORCEMENT. The health officer, under the supervision of the Thurston County Board of Health, shall enforce these regulations, in accordance with Article I, and WAC 246-290-050.

19.1 Actions. The administrative hearings officer may, upon finding a water purveyor or system in noncompliance or in violation of this regulation, take the following actions in addition to the actions provided by statute:

19.1.1 require the purveyor to provide a performance bond to assure the system is brought into compliance.

19.1.2 prohibit the purveyor to transfer or end ownership until the system is brought into compliance unless agreed to in writing by the department and the proposed purveyor.

19.1.3 forbid the issuance of an operation and maintenance permit to operate a new or newly acquired system to the purveyor.

19.1.4 require the health officer to notify the Washington State Department of Health of any purveyor in noncompliance and recommend that the purveyor should not be considered as an approved satellite water system operator.

19.1.5 direct the health officer to pursue a judgment lien against the property owned

by a purveyor found in noncompliance or violation of this regulation.

19.1.6 direct the health officer to file a notice against property served by a noncomplying system or a system in violation of these regulations to forewarn prospective buyers.

19.1.6 direct the health officer to file a notice against property served by a noncomplying system or a system in violation of these regulations to forewarn prospective buyers.

Effective Date: 05/01/94

