

Ordinance 23-06

Rules and Regulations of the Grant County Health District Providing Amendments and Additions to WAC 246-291 Regarding Group B Public Water Systems.

WHEREAS, the Washington State Department of Health adopted WAC 246-291, rules governing Group B Public Water Systems; and

WHEREAS, WAC 246-291 allows the Board of Health to adopt rules under RCW 70.05.060 and RCW 70.46.060 to implement WAC 246-291 that are at least as stringent as WAC 246-291; and

WHEREAS, RCW 70.05.060 and RCW 70.46.060 directs the Board of Health to enact and enforce public health rules to preserve, promote and improve the public health in the incorporated and unincorporated areas of Grant County; and

WHEREAS, the Grant County Board of Health desires to review and oversee Group B Public Water Systems; and

IN ACCORDANCE WITH CHAPTER 70.05.060 RCW AND CHAPTER 246-291 WAC, IT IS HEREBY ORDAINED BY THE GRANT COUNTY BOARD OF HEALTH THAT BOARD OF HEALTH ORDINANCE 23-06 IS ADOPTED AS FOLLOWS:

Section 1. AUTHORITY

1.1 Pursuant to the authority of R.C.W. 70.05.060 (Powers and duties of local board of health.), these regulations are hereby established as minimum requirements of the Grant County Board of Health governing Group B public water systems.

Section 2. ADMINISTRATION

2.1 Washington Administrative Code Chapter 246-291, governs Group B public water systems as now written or as it may be hereafter amended and this ordinance supplements those rules.

2.2 Where the provisions of Chapter 246-291 and the amendments of this ordinance conflict, the more strict regulations shall apply.



2.3 Where the provisions of any local, state, or federal regulation shall conflict with this ordinance, the more strict regulation shall apply, with the order of enforcement proceeding from federal, state, then GCHD.

Section 3. DEFINITIONS

1. Board of Health: Grant County Board of Health
2. Department: Washington State Department of Health
3. GCHD: Grant County Health District
4. Group B Water System: A 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.
5. Health Officer: Health Officer of Grant County or an authorized representative.
6. Potential GWI: A source identified by the Department or GCHD 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.
7. Satellite System Management Agency (SMA): 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.

Section 4. APPLICABILITY

These regulations apply to Group B Water Systems within GCHD's jurisdiction as provided by WAC 246-291-030(a).

Section 5. REQUIREMENT FOR ENGINEERS FOR GROUP B WATER SYSTEMS

- 5.1 The design report shall be prepared, sealed, and signed 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.
- 5.2 An exception to the professional engineer requirement is allowed for Group B systems that:
- a. Do not use a variable speed pump;
 - b. Do not provide fire flow;
 - c. Does not require treatment to meet water quality standards;
 - d. Do not have special hydraulic considerations;
 - e. Do not have atmospheric storage in which the bottom elevation of the storage reservoir is below the ground surface;
 - f. Serves only single family residences, as defined in WAC 246-291-010(62); and
 - g. Serves no more than 4 connections.

Section 6. DESIGN REQUIREMENTS FOR GROUP B WATER SYSTEMS

- 6.1 Designs must be prepared in accordance with WAC 246-291.
- 6.2 Water systems shall not have any source that is a potential GWI.
- 6.3 The Health Officer shall require approved treatment methods of the proposed or current source, so that drinking water delivered to consumers does not exceed a primary MCL, and shall require that the treatment method be designed by a professional engineer meeting the qualifications of Section 5.1 or if allowed by law, a qualified water treatment professional with demonstrated knowledge, if:
- a. The average concentration from all samples for each substance taken exceeds a primary MCL Chapter 246-291-170 WAC;
 - b. Initial sample indicates the presence of coliform bacteria and the repeat sample results collected indicate a presence of coliform bacteria; or
 - c. A contaminant of public health concern collected under Chapter 246-291-170 exceeds the primary MCL under WAC 246-290- 310.
- 6.4 Proposed water systems located within the Grant County Critical Water Supply Service Area (Quincy Groundwater sub-area and Warden) must comply with the Grant County Coordinated Water System Plan.
- 6.5 Proposed water systems within the Quincy Basin Sub-Area must comply with WAC 173-134A-120 (3).
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6.6 Systems not able to meet WAC 246-291 standards may apply for a waiver per WAC 246-291-060 and Section 7. Group B Water Systems that require approved treatment, must apply for a waiver. Systems applying for a waiver may require a design prepared, sealed, and signed by a professional engineer as required in Section 5.1.

Section 7. WAIVERS

7.1 The Health Officer or Board of Health may grant a waiver from the requirements of Chapter 246-291 WAC. Approval of a waiver will include, at a minimum:

- a. Water quality treatment;
- b. Ongoing monitoring; or
- c. Maintenance and oversight; and
- d. Sufficient evidence from a purveyor that a proposed Group B system will deliver drinking water that does not exceed a primary MCL and will provide an adequate supply of water under WAC [246-291-125](#).

7.2 Any water system that is requesting a waiver from any portion of WAC 246-291, pursuant to 246-291-060, must have justification to show that no potential contamination to the drinking water well will occur due to the waiver being granted.

7.3 Waivers will not be granted from the residential population requirement for each dwelling unit under WAC 246-291-200.

7.4 A request for a waiver is not considered an adjudicative proceeding as defined under chapter 34.05 RCW.

7.5 A waiver granted under this section shall be valid for up to five years from the date of issuance as specified by the Health Officer or Board of Health if construction of the Group B system is not completed.

7.2 After receiving all information, the Health Officer will determine if a waiver will be granted.

7.3 The purveyor of a Group B system utilizing treatment to meet water quality requirements of Section 6 shall be required to:

- a. Demonstrate compliance with water system treatment maintenance and operation, including additional sampling at a frequency based on the treatment technology used and at least annually or as otherwise established by the Health Officer;
 - b. Ensure samples taken are collected, transported, and submitted for analysis according to approved methods; and
 - c. Ensure samples are analyzed by a certified lab.
 - d. Additional monitoring may be required to evaluate continuing effectiveness of a treatment process or when problems with the treatment process may exist.
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- e. Where continued chlorination is required, the purveyor shall check the free chlorine residual daily, or at a frequency determined by the Health Officer.

Section 8. PERMITS FOR GROUP B WATER SYSTEMS

8.1 Systems granted a waiver must obtain an operating permit.

- a. An operating permit fee shall be established by the current fee ordinance. Said permits shall expire on December 31 and shall be renewed each year.
- b. Operating Permits for water systems approved with waivers shall be obtained by January 1. If the permit fee and application for the annual permit are received after January 31 (must be received in the office by 5 pm, January 31) a fine equivalent to the amount of the permit will be levied and if received after February 28 (or 29) the water system shall be considered in violation of this ordinance.
- c. The system must update the Water Facilities Inventory form annually.
- d. The reason for the waiver and the conditions for granting the waiver must be recorded on the property title(s) that the water system serves.

Section 9. APPEALS

9.1 Any person requesting appeal of an action by GCHD staff regarding the administration of these rules may appeal in writing to the Health Officer within ten (10) days of a written notice or directive of the District. If the written appeal does not provide sufficient evidence for the Health Officer to change the GCHD staff decision:

- a. Within 30 days after receipt of an appeal, the Health Officer may conduct an administrative hearing on the disputed manner.
- b. The hearing may include taking evidence oral and written from GCHD staff, the party aggrieved, and witnesses.
- c. A decision will be given in writing to the person or party making the appeal.

9.2 Following a written request to the Health Officer, within ten (10) days of the Health Officer's written decision, any person not satisfied with the Health Officer's decision or the results of the administrative hearing shall make a written request for a meeting with the Grant County Board of Health.

- a. The appellant will be provided the opportunity to address the Board of Health at the next regularly scheduled meeting.
- b. The matter under appeal will be decided by a majority vote of the Board of Health.

9.3 Pending hearings or appeals shall not stay the orders of the Regulatory Authority.

Section 9. PENALTY

Any person failing to comply with any of the terms of this Ordinance shall be in violation of this Ordinance. GCHD may proceed to commence a civil action to recover a penalty of \$500.00 for each violation of this Ordinance. Each day a continuing violation exists shall be considered a separate violation.

Section 10. SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid, the invalidity thereof shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance.

Section 12. EFFECTIVE DATE

This ordinance shall take effect on December 14, 2023 after its passage, approval and execution.

PASSED by the Grant County Board of Health and signed by its Chair this ____ day of December 2023.

ATTEST:

Rita Morfin, Administrative Services Division
Clerk of the Board

Tom Harris, Chair of the Board

Approved as to form:

Katherine Kenison, Health District Attorney
