Proposed *Drinking Water Supply Regulations* Ordinance

Presented by:
John Kiess
Environmental Health Director

KITSAP PUBLIC HEALTH DISTRICT

How Important is Protecting our Groundwater and Drinking Water Supplies?

"Groundwater is the primary source of drinking water for most of the population of the Kitsap Peninsula (Lane, 2009). Consequently, as the population grows, so does the demand for groundwater. The quantity of usable groundwater likely is limited, however, mostly because of the peninsula geography and the potential for declines in water levels, decreases in the groundwater discharge to streams, and seawater intrusion as groundwater usage increases." – 2014 USGS Groundwater Model Report

Water Supply Regulatory Overview

- Group A Water Systems
  15 or more residential connections
- Group B Water Systems
  3 to 14 residential connections

- Regulated by WA DOH
  WAC 246-290
- Regulated by KPHD
  WAC 246-291 / KPHB Ord. 1999-6

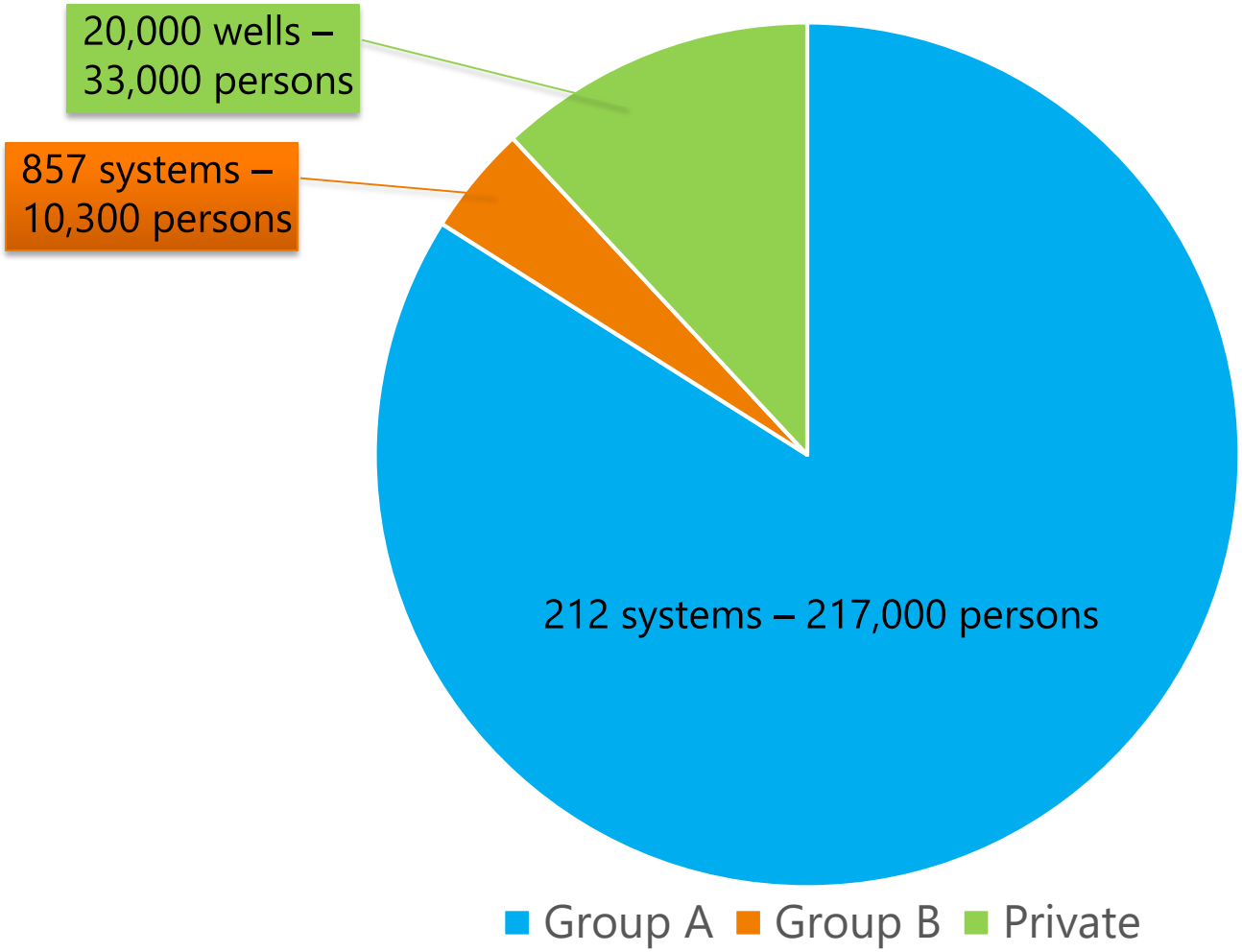
Public

Private

- Private Water Supplies – 1 or 2 connections

- Regulated by KPHD
  KPHB Ord. 1999-6

Estimated Number of Persons Served By Water Service Type



Existing Health District Drinking Water Program Services

- Building permit and land use application reviews
- Well site inspections and well construction review
- Public water system surveys
- Coordinated water system plan administration
- Water status reports for real estate transactions
- Group B water system oversight
- Complaint response (abandoned wells)
- Well data collection
- Public inquiries

State and Local Regulations Mandating Drinking Water Services

- RCW 70.05 – Local Health Departments, Boards, Officers - Regulations
- RCW 43.20.240 – Public Water Systems – Complaint Process
- WAC 246-290 – Group A Public Water Supplies
- WAC 246-291 – Group B Public Water Systems
- WAC 173-160 – Minimum Standards for Construction and Maintenance of Wells
- Kitsap County Code Chapter 9.52 – Kitsap Public Health District
- Kitsap County Code Chapter 13.06 – **Coordinated Water System Plan** (2005 Rev)
- Kitsap County Code Chapter 14.04 – Technical Building Codes; Chapter 17.10 – Allowed Uses
- Kitsap County Code Chapter 16.48 – Short Subdivisions; Chapter 16.52 – Large Lot Subdivisions
- Kitsap County Code Chapter 19.600 – Critical Aquifer Recharge Areas
- Kitsap Public Health Board Ordinance 1999-6 – Rules and Regulations for Private and Public Water Supplies
- Resolution 109-2009 - Kitsap County's "Water as a Resource" policy

Group B Water Systems and Private Water Supplies – Emerging Issues

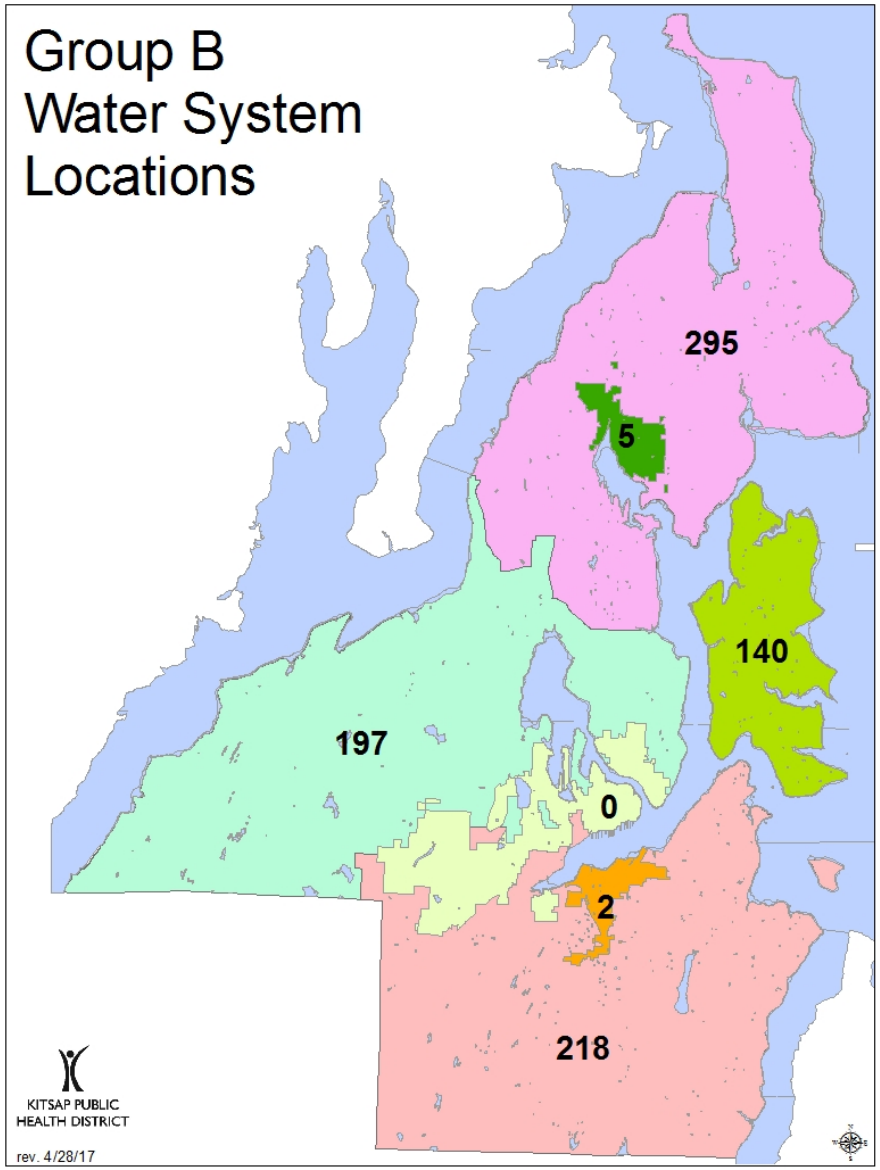
Under the current regulatory and funding model, the following issues need to be addressed through an ordinance revision:

- Group B water system design requirements
- Delays in permitting and real estate transactions
- Updates to application and approval requirements
- Adequately fund existing and future Health District Group B administrative efforts
- Public information about water supplies
- Poor Group B regulatory compliance

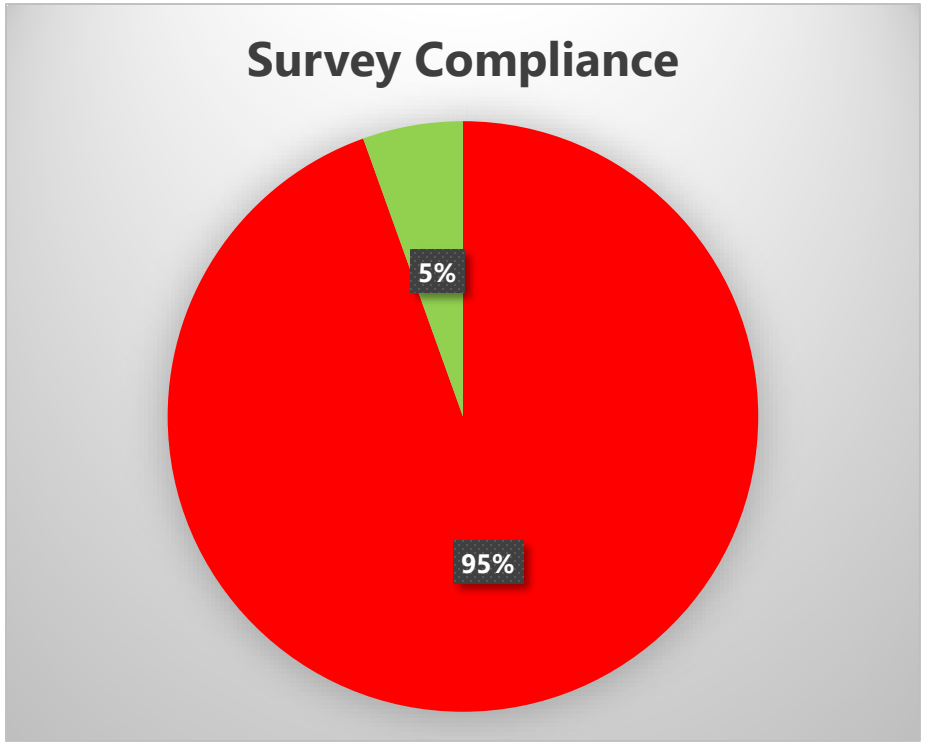
Group B Water System Program

- 857 Group B water systems
- No fee revenue
- No current cost for water systems
- Typical administrative tasks (work that only KPHD can do):
  - Maintaining and updating water system records
  - Providing technical assistance to water systems
  - Ensuring that routine monitoring samples are collected
  - Complaint response
  - Responding to public drinking water inquiries

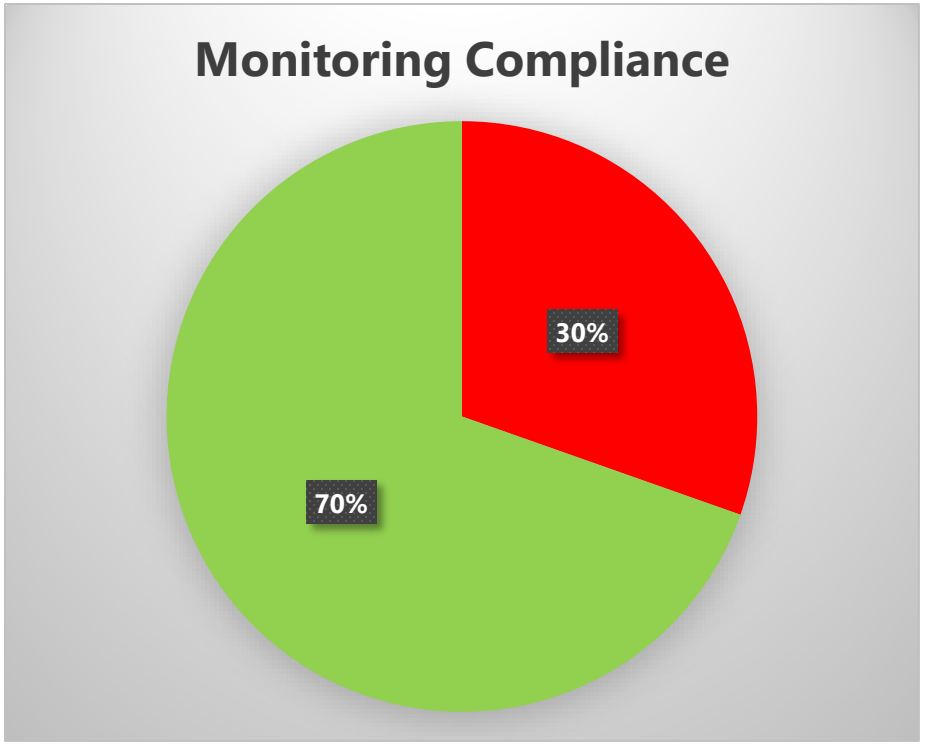
857 Water Systems distributed throughout Kitsap County



Group B Water System Compliance
857 total systems



95% out of compliance



30% out of compliance

Group B Water System Issues

Of the 70% of systems actually collecting their required monitoring samples – **9%** fail bacteriological standards (54 systems annually)

Approximately **20%** of inspected water systems have significant deficiencies that represent a significant health hazard

Group B Water Systems

Group B Water Systems

Group B Water System Services – Required

- Review of building permits for water adequacy (RCW 19.27.097)
- Water service area coordination and data sharing (Kitsap County's Coordinated Water System Plan (CWSP) KCC Title 13)
- Water system expansion and maintaining water supply records (CWSP)
- Maintain and update water system records (CWSP)
- Responding to public inquiries (public information)
- Water system compliance and enforcement (required in BOH 1999-6 and RCW)
- Issue water status reports as requested (fee supported)
- Perform BOH 1999-6 required sanitary surveys as requested (fee supported)

Proposed Ordinance Development Timeline

- July 2016 - Kitsap Public Health Board meeting
- March 2017 - Kitsap Public Health Board meeting
- March 2017 - Public Listening Session
- April 2017 - Kitsap Public Health Board meeting
- June 2017 - Policy Committee meeting
- December 2017 - Policy Committee meeting
- May 2018 – Kitsap Public Health Board meeting
- May 2018 – Public feedback period
- June 2018 – Public Hearing (tbd)

Proposed Drinking Water Ordinance

March 2017 draft ordinance requirements included:

- Required Group B water system inspections
- Estimated annual Group B operating permit fee of $120 or more if the fee was to pay for the required inspections
- Required time of sale water status reports

Feedback on the Proposed Ordinance

- **Concern** - What service do I receive for these fees?
- **Concern** - Equitability of fees – fee structure, exemption for compliant or managed water systems
- **Concern** - Inspections are not necessary – government intrusion
- **Concern** – Equitable treatment of Group B public water systems versus private water supplies
- **Support** - Real estate community, some Group B water systems, water system purveyors, and satellite management agencies

Proposed Group B Regulation Changes

How did we address these concerns? How will the proposed new ordinance affect Group B water systems?

- Annual Group B operating permit fee
- Water system owner/user agreements
- Time of sale water status reports
- NO regular inspection requirement

Proposed Group B Water System Annual Operating Permit

- Fund the cost of existing and expanded services
- Annual fee of $75 per system.
- Flat rate fee structure

Proposed Group B Water System Annual Operating Permit

Pros

- ✓ Improved oversight, communication, and records
- ✓ More technical assistance and complaint response activities
- ✓ Meet legal mandates
- ✓ Ongoing, stable revenue source

Cons

- ❖ Additional expenses
- ❖ Increased government interaction
- ❖ Does not support regular inspections

Proposed Group B Water System Annual Operating Permit

- Health District expenses to administer Group B water systems
  - Estimated 450 hours annually for full administrative services
  - 2019 - $65,000 estimated cost based on BOH approved EH fee schedule

- Fee revenue based on a $75 annual permit
  - 2019 - $39,000 based on a 60% compliance rate
  - 2020 - $48,000 based on a 75% compliance rate
  - 2021 - $64,000 based on a 100% compliance rate

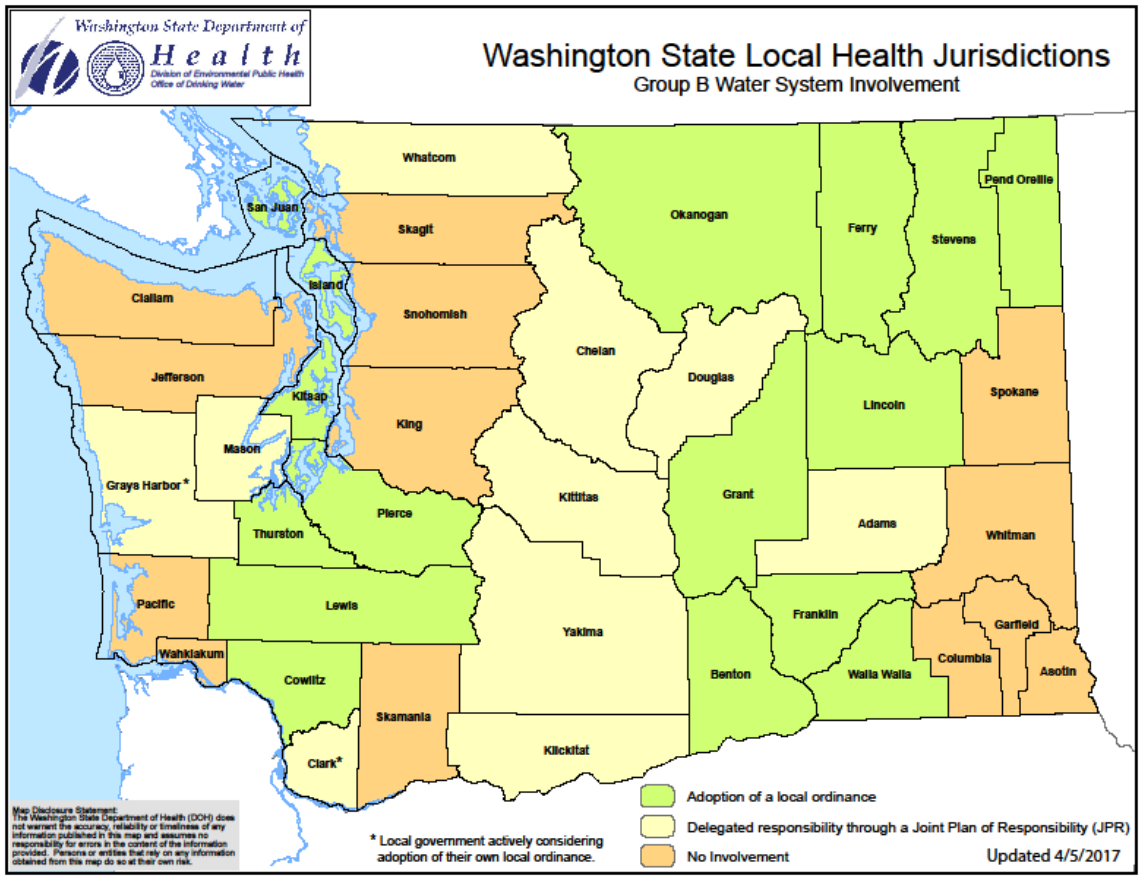
- WA DOH currently provides $20,000 annually that can cover the “fee gap”

- Services would slowly expand as more water systems came into compliance and full funding for our administrative efforts is realized

Group B Water Systems

What are Other Health Jurisdictions Doing?

- Thirteen LHJs in Washington State have adopted a local ordinance to address Group B water systems.
- Group B annual permits average $110 for those with operating permit requirements (Does not include sanitary survey).
- The other 23 LHJs are generally split between no to little involvement with Group B water systems.



Proposed Water Status Report Requirements

How will the proposed new ordinance affect property sale reports?

- Time of sale water status reports required for Group B public water systems and private water supplies.
- Real estate community demand and buyer expectation.
- Mirror our successful and efficient onsite sewage time of sale report system.
- “Passive” enforcement for water system compliance and inspections.

Proposed Water Status Report Requirements

Pros

- ✓ No recurring costs
- ✓ Less regulatory interactions
- ✓ Real estate support
- ✓ Public expectation
- ✓ Addresses public vs. private equity

Cons

- ❖ Additional expenses
- ❖ Potential delays

Drinking Water Ordinance Options

Eliminate Group B water system monitoring and management requirements

Pros

None

Cons

Hinders building permit review, delays real estate transactions, results in unmonitored water systems. Does not eliminate the Health District's legal requirements.

Drinking Water Ordinance – Stakeholders

- Group B water systems owners/users
- Kitsap Public Utility District
- Washington Water Service
- Northwest Water Systems
- Washington State Department of Health
- Kitsap County well drillers
- Kitsap County Association of Realtors
- Kitsap Builders Association
- Kitsap County Department of Community Development

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“Kitsap groundwater model points to promising future” – **Kitsap Sun, March 12, 2016**