

## ATTACHMENT D

# Proposed Updates to Regulations Governing Public Group B and Private Individual Water Systems

## Response to Frequently Asked Questions/Comments

### INTENT OF PROPOSED UPDATES

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**Q: Why are updates to the regulations being considered? Have there been illnesses attributed to mismanaged water systems?**

A: The Health District has no data to suggest there has been an increase in waterborne illnesses attributed to water systems in Kitsap County. However, public Group B water systems have little to no oversight. No system is currently in place to ensure that Group B are being properly maintained and/or adequately monitored to ensure that a public health risk is not being created.

Local health jurisdictions are mandated by state law to *prevent disease and promote, preserve, and improve public health* (RCW 70.05). Due to state regulatory and funding changes that have occurred over the last decade, the Health District believes that it is falling short of these responsibilities as they relate to drinking water and groundwater protection/preservation.

The Health District's goal is to return to providing a basic, core level of public Group B water system oversight—as it had from 1991 to 2009—to preserve and protect our vital drinking water resources, and comply with state and local rules. We would accomplish this by re-establishing a Group B water system program that will guide water systems into compliance and assist them with staying in compliance to prevent waterborne illnesses or contamination of groundwater supplies.

In addition to the proposed Group B water system regulatory changes, the updated ordinance will clarify existing drinking water supply requirements for building permit application reviews, land use reviews, and property transfer report requirements.

**Q: The proposed updates feel like a governmental attempt to raise revenue and increase bureaucracy. What value will these proposed changes provide for homeowners using public Group B systems?**

A: The Health District has legal responsibility to perform public Group B water system administration, which includes data collection and records maintenance; responses to public complaints, inquiries and records requests; and technical assistance for Group B water systems. The Health District no longer adequately performs these mandated services. The purpose of the proposed rule updates is to develop and implement a local system to fulfill these legal responsibilities once again. Without the Health District's oversight, the rate of public Group B systems collecting and submitting sample results has dropped to 70%.

Additionally, as with any type of system, some level of periodic inspection to prevent problems and ensure adequate maintenance and protection is ideal, versus reacting to a system failure. This is especially important for ensuring safe and reliable drinking water. Water system professionals rely on periodic "sanitary surveys" to complete these inspections. The sanitary survey requirement has existed since 1999, and is applicable to all Group B systems. Although the requirement has been in place since state sanitary survey funding was eliminated in 2009, the Health District has completed surveys only for systems that requested a survey or applied for an associated building permit. The intent of the sanitary survey program is to identify conditions that may present a public health risk, and educate owners to correctly operate and maintain their systems with best management practices for groundwater protection. The percentage of systems with a current sanitary survey has dropped to 5 percent.

Lastly, the water status report (WSR) requirement would provide prospective buyers with important information on the water supply for a property. Under the current regulations, sellers are not required to provide such information to prospective buyers and water status reports are an optional Health District service.

**Q: Our Group B is a private – not public – well. Private citizens on private property should not be required to pay annual permits to use drinking water.**

A: Group B water systems **by law are** public water supplies based on Washington State Department of Health rules (WAC 246-291). Water system classification is determined by *usage*, not *ownership*. Most Group B water systems are privately-owned and the proposed annual permit supports the Health District's costs to provide the required oversight of these water systems.

## **PROPOSED FEES**

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*Please note that proposed fees were provided along with the proposed ordinance changes. These fees were based on estimated Health District costs to provide the proposed services. Based on the final revisions to the ordinance, fees will be recalculated/eliminated based on the proposed level of services.*

### **Q: How were the proposed fees calculated?**

A: In accordance with RCW 70.05.060, the Board of Health may establish fees for permits or for other services, based on the actual cost of providing such services. The proposed fees for an annual Group B operating permit, sanitary surveys, and water status reports are based on the estimated Health District costs to perform the services.

### **Q: How did KPHD calculate the number of hours spent each year overseeing Group B water systems? Some of the presented information has been inconsistent.**

A: During the July 2016 Board of Health presentation, a statistic was presented that the Health District spent an annual average of 1,200 staff hours working on Group B water systems. This figure included time spent on Group B water system sanitary surveys, which were previously funded by the Washington State Department of Health. The Health District currently spends an approximate 300 hours annually on Group B water system administration as later presentations shared this number. In addition, the total number of active Group B water systems was corrected with updated data.

### **Q: The fee is inequitable – Group B water systems with four connections pay the same as those with 14. Why aren't the fees pro-rated?**

A: At this time, the Health District is proposing a “flat” fee structure as the Health District’s administrative level of effort is the same, no matter the size of the Group B water system. Based on comments, the Health District will consider other types of fee structures depending on the number of connections to the water system. The average Kitsap County Group B water system has four connections.

### **Q: Why do water systems that have historically submitted water sample results to the Health District have to pay a fee? Shouldn't those systems that are mismanaged be charged a higher fee than those that are in compliance? Why should we subsidize those who are not managing their public Group B system well?**

A: The Health District has legal responsibility to perform public Group B water system administration, which includes data collection and records maintenance; responses to public complaints, inquiries and records requests; and technical assistance for all public Group B water systems. Proposed permit fees would support the cost of administrating both compliant and non-compliant public Group B water systems.

**Q: Can't the Health District charge a fee to public Group B water systems who need assistance for services rather than charge an annual permit to every system?**

A: The Health District incurs some costs to administer any public Group B water system – even those in compliance. For those water systems that are out of compliance, additional inspection fees may be required and additional design review will be required for any water system seeking Health District approval.

**Q: Our public Group B water system was installed after 1999 and we are already paying for a satellite management company. These requirements would be redundant and provide no benefit to us.**

A: The Health District's proposed sanitary survey requirement would be waived for all public Group B water systems that have an active satellite management company contract. All public Group B water systems approved since July 1995 have been required by WAC 246-291 to have a satellite management agency operate the water system.

**Q: Why/how were KPHD's funds for public Group B support/enforcement cut in 2009?**

A: The Washington State Department of Health no longer had state funding to support local health jurisdictions to administer public Group B water systems.

## **PROCESS**

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**Q: Won't requiring a water status report for property conveyance slow down real estate transactions?**

A: We do not believe so, if a water system is already in compliance. For those water systems that are out of compliance, it is possible a real estate transaction could be delayed.

**Q: If our system is found out of compliance, how long do we have to correct any issues and obtain a standard operating permit?**

A: Depending on the nature of the compliance issue, anywhere from days to months. For significant findings that present a more immediate health risk, a shorter compliance time frame will be required. The Health District will work closely with water systems to provide reasonable compliance timelines if health risks can be minimized.

**Q: What does the sanitary survey entail? Will the Health District be inspecting every system? What value is there to public Group B water systems?**

A: A sanitary survey involves a complete records review, a well/water system inspection, and a basic operator education. After the survey is complete, you will receive a report of the survey findings, and a complete list of recommendations or requirements to improve system operation and/or bring the system into full compliance with the applicable drinking water regulations.

The Health District believes the sanitary survey process provides an opportunity to identify conditions that may present a public health risk, and educate owners to correctly operate and maintain their systems with best management practices for groundwater protection. The Health District will consider reducing survey requirements for compliant systems.

**Q: Can the Health District develop some checklists and online tools/videos to help public Group B water system managers?**

A: The Health District would like to increase the amount of educational materials available to public Group B water system owners/managers. At this time, there is no funding available for this effort.

**Q: Where can I get information on Washington State DOH-approved management agencies?**

A: Either the Health District website, [www.kitsappublichealth.org](http://www.kitsappublichealth.org) or the Washington State Department of Health website, [www.doh.wa.gov](http://www.doh.wa.gov).

**Q: Who will do the water testing to keep our system in compliance? Will the Health District do that?**

A: The regulations require that the water system manager will submit monitoring results to the Health District. Managers may collect the water samples themselves or hire a private company to perform the sampling. At this time, the Health District is not planning to provide a sampling service for Group B water systems.

## **TIMELINE**

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**Q: If approved, when would the ordinance requirements become effective?**

A: If adopted by the Kitsap Public Health Board in 2017, the ordinance will become effective immediately. However, the Health District will work to create future implementation dates for the certain requirements (e.g. operating permits, sanitary survey requirements, water status reports) to allow time for water system managers to prepare to meet those requirements. It is anticipated that this would be a period of 6-12 months from the ordinance adoption date.

**Q: If approved, will the District be sending reminder notices every five years when our sanitary survey is due?**

A: Yes, the Health District would provide sanitary survey notices to all Group B water systems.

**Q: Would annual operating permits be calculated by calendar year? Would we receive an annual invoice?**

A: Yes, the proposed annual operating permit would valid for a 12-month period, and the Health District would send invoices to water system managers.