

**OVERVIEW OF STATE AND LOCAL REGULATIONS PERTAINING TO PUBLIC AND PRIVATE WATER SYSTEMS AND LOCAL HEALTH JURISDICTIONS**

Law or Rule	Requires or Authorizes Local Health Jurisdiction (LHJ) to:	Requires Water System Owner/Operator to:	Notes:
<a href="#">RCW 70.05</a> – Local Health Departments, Boards, Officers - Regulations	<ol style="list-style-type: none"> <li>1. Enforce state public health laws and rules</li> <li>2. Supervise, maintain, and protect public health</li> <li>3. Enact and enforce local rules and regulations</li> <li>4. Prevent and control the spread of disease</li> <li>5. Establish and collect fees and permits</li> <li>6. Inspect new, expanded, or modified public water systems to assure conformance with rules</li> </ol>		
<a href="#">RCW 70.119A</a> – Public Water Systems – Penalties and Compliance	<ol style="list-style-type: none"> <li>1. Declare a public health emergency in response to a serious water system issue (i.e., contamination)</li> <li>2. Enforce public water system regulations</li> <li>3. Impose and collect civil penalties from public water systems for violations within the realm of public health</li> <li>4. Ensure new public water systems have satellite management oversight</li> <li>5. Conduct comprehensive and systematic evaluations with State to assess adequacy on financial viability of public water systems</li> <li>6. Establish operating permits for public water systems that are not permitted by State (discretionary)</li> <li>7. Conduct investigations to enforce public water system regulations</li> </ol>	<ol style="list-style-type: none"> <li>1. Comply with all applicable federal, state, and local rules</li> <li>2. Protect water sources</li> <li>3. Provide adequate water treatment</li> <li>4. Provide safe and reliable drinking water</li> <li>5. Obtain permits as required</li> <li>6. Report instances of water system contamination to State</li> </ol>	If LHJ establishes a public water system permit program, it must not be duplicative to an existing state permit program.
<a href="#">RCW 43.20.240</a> – Public Water Systems – Complaint Process	<ol style="list-style-type: none"> <li>1. Designate a contact person to State for handling public water system complaints (county)</li> <li>2. Coordinate with State to investigate complaints of public water systems (county)</li> <li>3. Assist customers of public water systems in obtaining a dependable supply of water at all times (county)</li> </ol>		Law is directed to counties to enforce; Health District has been “delegated” this role by default as local public health agency through Kitsap County Code and KC Coordinated Water System Plan

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<a href="#">RCW 19.27.097</a> – Building Permit Application – Evidence of Adequate Water Supply	<ol style="list-style-type: none"> <li>1. Verify evidence of an adequate water supply for buildings that require potable water (counties and cities)</li> <li>2. Require connection to an existing public water system when available and willing (counties and cities)</li> </ol>		Law is directed at counties and cities to enforce; Health District has been “delegated” this role by default as local public health agency through Kitsap County Code and KC Coordinated Water System Plan
<a href="#">WAC 246-290</a> – Group A Public Water Supplies	<ol style="list-style-type: none"> <li>1. Develop, adopt, implement, and enforce local regulations (discretionary)</li> <li>2. Enforce state regulations through agreement with State (discretionary)</li> </ol>	Comply with all federal and state rules governing Group A Water Supplies (design, construction, monitoring, maintenance, emergency response planning, etc.)	Health District recommends to continue to defer to State DOH to regulate Group A Water Supplies, but assist State DOH with sanitary survey inspections/reports through a joint plan of responsibility agreement.

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<p><a href="#">WAC 246-291</a> – Group B Public Water Systems</p>	<ol style="list-style-type: none"> <li>1. Develop, adopt, implement, and enforce local regulations (discretionary)</li> <li>2. Enforce state regulations through agreement with State (discretionary)</li> <li>3. Grant waivers from State rules to Group B Water Systems (conditioned)</li> <li>4. Review and approve Group B Water System design plans (new, expansion, or modification) prior to construction (discretionary)</li> <li>5. Review and approve Group B source groundwater before operation of system (discretionary)</li> <li>6. Review and approve Group B disclosure documents (discretionary)</li> </ol>	<ol style="list-style-type: none"> <li>1. Comply with state and local regulations governing Group B Public Water Systems</li> <li>2. Comply with county coordinated water system plan</li> <li>3. Comply with State satellite management requirements</li> <li>4. Obtain design approval from State or LHJ prior to installing a new Group B Water System or providing additional service connections above its approved capacity</li> <li>5. Obtain water source approval from State for new or expanding systems, or proposed interties</li> <li>6. Obtain construction approval prior to operating the Group B system</li> <li>7. Disinfect Group B water system before providing service to consumers</li> <li>8. Provide potable water to system’s consumers</li> <li>9. Prepare and submit water system management, monitoring, and ownership plans and documentation to State or LHJ</li> <li>10. Notify consumers/customers in writing at least one year in advance before transferring ownership of water system</li> <li>11. Collect additional samples as required by state or LHJ due to public health risks, information documenting contamination, or reports of waterborne illness or other situation in which the system may be vulnerable to contamination</li> <li>12. Notify State, LHJ, and all system consumers in writing within 24 hours of contamination</li> </ol>	<p>Group B rules for ongoing oversight were amended to be “optional” in 2014 due to state budget cuts at DOH DW.</p> <p>DOH is responsible to administration unless LHJ adopts local rules or accepts responsibility for administration through a Joint Plan of Responsibility agreement.</p> <p>Under revised rule, DOH does not provide ongoing oversight of Group B systems unless a violation of the rules is noted, then DOH may take enforcement action.</p> <p>Local rules may include, but are not limited to, additional requirements such as:</p> <ol style="list-style-type: none"> <li>1. Water system operations and maintenance</li> <li>2. Ongoing water quality and water use monitoring</li> <li>3. Water system sanitary surveys or inspections</li> <li>4. Public notification</li> <li>5. Annual operating permits</li> </ol> <p>Health District can only issue waivers to State rules if it has adopted local regulations or entered into agreement with State to enforce state rules.</p>

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<a href="#">WAC 173-160</a> – Minimum Standards for Construction and Maintenance of Wells	<ol style="list-style-type: none"> <li>1. LHJ or county may enter delegation agreement with State (discretionary)</li> <li>2. Oversee construction of new wells or decommissioning of existing wells</li> <li>3. Review and approve proposed well locations for public water supply wells (if delegated)</li> <li>4. Review and approve variances to State rules (if delegated)</li> </ol>	<ol style="list-style-type: none"> <li>1. Take whatever measures are necessary to guard against waste and contamination of groundwater resources</li> <li>2. Request a variance from State as required</li> <li>3. Obtain a water right before drilling non-exempt wells</li> <li>4. Obtain locational approval from State or LHJ for public water supply wells prior to drilling</li> <li>5. Meet all State construction requirements for new wells or decommissioned wells</li> <li>6. Perform and complete testing and sampling, and submit well reports for new wells prior to use</li> </ol>	<p>Ecology delegates well inspections to Health District.</p> <p>Health District inspects every well construction / decommission</p> <p>Ecology may inspect a sampling of well constructs/decomms</p> <p>Health District no longer handles variance requests</p>
<a href="#">WAC 246-295</a> – Satellite System Management Agencies (SMAs)	<ol style="list-style-type: none"> <li>1. Direct individuals or entities proposing a new water system or requesting water service to contact one or more approved SMAs for the service area where a new water system is proposed, prior to system construction (counties and cities)</li> <li>2. Document contact and referral in writing (counties and cities)</li> </ol>	<ol style="list-style-type: none"> <li>1. Enter into a written SMA agreement between the SMA and the water system</li> <li>2. Submit copies of all new and renewed agreements to State DOH</li> <li>3. Develop or amend and submit SMA plan every five years to State DOH for review and approval</li> <li>4. Comply with all federal, state, and local regulations and SMA plan</li> </ol>	<p>Law is directed to counties and cities to enforce; Health District has been “delegated” this role by default as local public health agency through Kitsap County Code and KC Coordinated Water System Plan</p>
<a href="#">Kitsap County Code Chapter 9.52</a> – Kitsap Public Health District	<ol style="list-style-type: none"> <li>1. Local authorization to be the county’s official public health agency pursuant to RCW 70.05</li> <li>2. Inspect, as necessary, expansion or modifications of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans.</li> </ol>		<p>County affirmation that Health District is the official public health agency for the county required under RCW 70.05</p>
<a href="#">Kitsap County Code Chapter 13.06</a> – <a href="#">Coordinated Water System Plan</a> (2005 Rev)	<ol style="list-style-type: none"> <li>1. Oversee and permit the siting and construction of private wells</li> <li>2. Coordinate and enforce the feasibility of water service for all building permits proposing to use a private well (vs. connecting to public system)</li> </ol>	<ol style="list-style-type: none"> <li>1. Comply with federal, state, and local regulations</li> <li>2. Prepare and submit plans for review and approval prior to constructing or operating a new or expanded water system</li> <li>3. Submit water service area boundaries (new or revised)</li> </ol>	<p>Adopted by Kitsap County pursuant to RCW 70.116 and WAC 246-293</p> <p>Specifies that primary water supply for the entire county is groundwater except for Bremerton’s Union River surface supply</p>

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<p data-bbox="110 142 478 253"><a href="#">Kitsap County Code Chapter 13.06 – Coordinated Water System Plan</a> (2005 Rev)</p> <p data-bbox="110 298 276 326">Continued....</p>	<ol style="list-style-type: none"> <li data-bbox="513 142 1257 367">3. Participate in the development, use, monitoring and maintenance of a coordinated Geographic Information System (GIS) and data collection/management system for the designation and maintenance of water supply resources and resource areas</li> <li data-bbox="513 375 1220 407">4. Conduct service area conflict resolution (lead role)</li> <li data-bbox="513 415 1204 526">5. Participate in the implementation of Satellite Management program and Utility Service Review Procedure (USRP)</li> <li data-bbox="513 534 1220 599">6. Assist with minimum design standards revision for CWSP</li> <li data-bbox="513 607 1171 639">7. Classify and evaluate water systems (lead role)</li> <li data-bbox="513 647 1180 712">8. Assist in the development of local groundwater sources</li> <li data-bbox="513 721 1131 753">9. Assist with groundwater quality monitoring</li> <li data-bbox="513 761 1257 826">10. Participate in database management of groundwater monitoring results from Group B Systems</li> <li data-bbox="513 834 1118 899">11. Collect individual well system construction information and forward to KPUD</li> <li data-bbox="513 907 1257 989">12. Review and approve plans and construction of Group B Water Systems (new and expanding)</li> <li data-bbox="513 997 1171 1062">13. Review and approve plans and construction of individual water systems</li> <li data-bbox="513 1070 1220 1180">14. Track the status of new/expanding Group B water systems with respect to utility retail service area agreements and the CWSP</li> <li data-bbox="513 1188 1220 1299">15. Maintain files of Group B water service area agreements, adjustments, plans, monitoring data, and maps</li> <li data-bbox="513 1307 1239 1372">16. Review and approve water adequacy for all building permit proposals</li> <li data-bbox="513 1380 1077 1412">17. Water availability reviews and approval</li> </ol>	<ol style="list-style-type: none"> <li data-bbox="1284 142 1946 207">4. Provide timely responses to requests for water service</li> <li data-bbox="1284 215 1989 248">5. Maintain and monitor water system infrastructure</li> <li data-bbox="1284 256 1951 289">6. Sample source water and submit testing results</li> <li data-bbox="1284 297 1709 329">7. Participate in CWSP activities</li> </ol>	<p data-bbox="2016 180 2529 290">KPUD is designated water coordination and oversight agency and has lead responsibility for implementing CWSP</p>

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Kitsap County <a href="#">Code Chapter 14.04</a> – Technical Building Codes; <a href="#">Chapter 17.10</a> – <a href="#">Allowed Uses</a>	<ol style="list-style-type: none"> <li>Review building permit proposals for evidence of adequate water supply and sewage disposal and provide decision to Building Department.</li> <li>Provide water supply and sewage disposal approval prior to occupancy approval for building permits.</li> </ol>	Obtain Health District approval for adequate water supply before approval of occupancy	County codes include Health District review/approval for public health items such as water supply, sewage disposal, solid waste disposal, water quality review, etc.
Kitsap County Code <a href="#">Chapter 16.48</a> – <a href="#">Short Subdivisions</a> and <a href="#">Chapter 16.52</a> – <a href="#">Large Lot Subdivisions</a>	Review, evaluate, and make recommendations of approval or denial for conformity with domestic water supply standards.	Obtain Health District approval for adequate water supply before final plat approval	See above.
Kitsap County Code <a href="#">Chapter 19.600</a> – <a href="#">Critical Aquifer Recharge Areas</a>	Review, evaluate, and comment on requests for waivers for land uses in critical aquifer recharge areas.	Respond to requests for additional information from Health District.	See above.
<a href="#">Kitsap Public Health Board Ordinance 1999-6</a> – Rules and Regulations for Private and Public Water Supplies	See above and Exhibit 2; the local health board ordinance encompasses the service requirements delineated above.	See above; the local health board ordinance encompasses these service requirements delineated above.	Ordinance is outdated and needs to be revised/updated.
Kitsap County’s Water is a Resource NOT a Waste Stream, <a href="#">Resolution 109-2009</a>			<p>States that:</p> <ul style="list-style-type: none"> <li>• Surface and ground waters are vital to Kitsap County and its citizens</li> <li>• Over 80% of county’s residents are reliant on ground water for their drinking water</li> <li>• Ground waters are only replenished through precipitation and infiltration</li> <li>• Groundwater conservation through elimination of inefficiencies and reduction in use is important</li> <li>• Pollutant-free water is important</li> <li>• All departments shall “develop, redevelop, retrofit, refurbish, maintain, and operate public assets...in a manner that supports</li> </ul>

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			the policy of treating water as a resource and its guiding principles”.