**DISTRICT BOARD OF HEALTH OF THE BENTON-FRANKLIN HEALTH DISTRICT**

Rules and Regulations providing for the establishment of minimum standards to protect the health of consumers by establishing minimum design, construction, monitoring and other standards for Group B public drinking water systems.

RULES AND REGULATIONS

(No. 7)

As adopted January 15, 2014

WHEREAS, the Washington State Board of Health has passed rules and regulations which are mandatory and binding on the local Boards of Health, and WHEREAS, these rules and regulations allow a formal adoption of local rules and regulations by the District Board of Health of the Benton-Franklin Health District:

NOW, THEREFORE, be it resolved the Benton-Franklin District Board of Health hereby adopts all sections of WAC 246-291, Group B Water Systems, except where modified, addendums imposed and specified herein and adopted, and that from and after the date of this resolution, shall be and read as follows: RULES AND REGULATIONS NO. 7

*The modifications shall read:*

**Section I Purpose and Scope (WAC 246-291-001)**

These regulations shall apply to all territory within the boundaries of the Benton-Franklin Health District.

**Section II Applicability (WAC 246-291-005)**

(3) Group B water systems serving one or 2 service connections shall be subject to limited requirements for approval, unless specifically required to be a Group B system by WAC 246-291 or other applicable rule. Specific requirements for these systems are located in **Section V** of this rule.

(5) These rules do not confer or guarantee any right to withdraw or divert groundwater. The right to withdraw groundwater can only be conferred by the Washington State Department of Ecology. Any approval under these rules will based on the applicant's representation of available water quantity and the number of service connections may be reduced commensurate with the applicant's actual legal right to withdraw groundwater.

**Section III Definitions, Abbreviations, and Acronyms (WAC 246-291-010)**

**Health Officer** means the Health Officer of the Benton-Franklin Health District or duly authorized representative

**Local Board of Health** means the governing body of the Benton-Franklin Health District under chapter 70.46 RCW.

**Local Health Jurisdiction** means the Benton-Franklin Health District

**Single Family Residence** means a structure in which one or more persons maintain a common household. A structure is not a single family residence if it is used for an activity requiring a permit, license, or proof of potable water under including but not limited to:

i. Food service, chapter 246-215 WAC;

ii. Food inspection, chapter 16-165 WAC;

iii. Residential treatment facility, chapter 246-337 WAC;

iv. Transient accommodations, chapter 246-360 WAC;

v. Boarding homes licensing rules, chapter 388-78A WAC;

vi. Minimum licensing requirements for child care centers, chapter 170-295 WAC;

vii. School-age child care center minimum licensing requirements, chapter 170-151 WAC;

viii. Adult family home minimum licensing requirements, chapter 388-76 WAC; or

ix. Labor and Industries, chapter 296-800 WAC

x. In home childcare, chapter 170-295A WAC;

## Section IV Design Report Approval (WAC 246-291-120)

Group B systems designed to serve 4 or fewer service connections with all properties located contiguous with the water system may be exempted from the engineering requirements of WAC 246-291-120 (3) provided they will be systems that:

(a) Do not use a variable speed pump;
(b) Do not provide fire flow;
(c) Do not have special hydraulic considerations;
(d) Do not have atmospheric storage in which the bottom elevation of the storage reservoir is below the ground surface;
(e) Have a single pressure zone

(f) Require no treatment to comply with water quality requirements including all primary, secondary and physical parameters;

**(New section)**
**Section V Requirements for 1 and 2 Unit Systems not Subject to WAC 246-291**

All 1 and 2 unit Group B Systems not subject to the full requirements of WAC 246-291 shall submit the following documentation and/or comply with the following items to be considered for approval:

(1) A well drillers report.

(2) A satisfactory bacteriological report from a certified laboratory within the last 60 days.

(3) A satisfactory inorganic analysis for nitrates from a certified laboratory analyzed within the last 2 years.

(4) Covenants establishing a 100' sanitary control zone and a restriction in water use to less than 5000 gallons per day (unless a water right is held) or as indicated by local code.

**(5)** A detailed water user's agreement specifying the rights to water and financial responsibilities of each property served by the water system filed with the title of each property. Included in this agreement shall be statement acknowledging the owners responsibility for water quantity, pressure, quality and water quality monitoring. **Note: This requirement shall not apply to single unit Group B systems and for those systems serving multiple connections where all connections, and water source are located on the same property and under the same ownership**

(6) A completed water facilities inventory form.

(7) A detailed scale drawing of the well location, 100' zone of protection, water lines and service connections.

(8) Detailed information on the pump, pressure tank(s) and well controls.

(9) A completed application for Group B 2 unit public water supply approval.

(10) Satisfactory well construction and location as determined by the Health Officer or his authorized representative.

## SECTION VI Water System Planning and Disclosure Requirements (WAC 246-291-140)

(2) A purveyor shall record the following information on each customer's property title before providing water from the Group B system to any service connection:

(a) System name and a department issued public water system identification number;
(b) System owner name and contact information;
(c) The following statement: "This property is served by a Group B public water system that has a design approval under chapter 246-291 Washington Administrative Code";
(d) Parcel numbers to be served by the system;
(e) Indicate if the system is designed and constructed to provide fire suppression;
(f) A copy of any waiver granted under WAC 246-291-060 to the purveyor and any required monitoring and reporting;
(g) Indicate:
  i. If service connections are metered or not;
  ii. Frequency the purveyor intends to monitor the system for contaminants;
  iii. Contaminant to be monitored; and
  iv. How the consumers of the system will be notified of monitoring results;
(h) Contact information for the approving authority (department or local health jurisdiction);
(i) The type of source treatment provided for any contaminants that exceed secondary MCLs;
(j) Instructions about how to obtain a copy of the agreements for consumers, if one exists;
(k) Other information, as directed by the department or health officer: and
(l) For community owned systems a detailed water user's agreement.

## Section VII Water quality requirements for groundwater source approval (WAC 246-291-170)

(5) (a). The Health Officer may allow treatment for a proposed system exceeding a Primary Inorganic MCL for Nitrate and/or Arsenic provided the treatment system is specified by an engineer, construction certified by said engineer and a regular monitoring program is proposed by the engineer and reviewed and accepted by the Health Officer.

(b) BFHD may approve a system failing repeat coliform samples provided two consecutive satisfactory samples are obtained a minimum of 7 days apart and collected by a representative of BFHD. Additional monitoring requirements will be imposed for a minimum of 12 months as deemed appropriate by the Health Officer.

## Section VIII Continuity Of Service. (WAC 246-291-250)

(3) The purveyor shall notify the Benton-Franklin Health District in writing 60 days prior to any transfer of ownership of the water system or any portions thereof.

## Section IX General Requirements (WAC 246-291-300)

(1) A purveyor of a Group B system shall provide potable water to the system's consumers.

(a) The Health Officer shall review proposed monitoring plans and specify the monitoring frequency for any system utilizing treatment to comply with any Primary or Secondary maximum contaminant level.

(2) The department or health officer may require a purveyor to collect water quality samples, have the samples analyzed by a certified lab, and report results as required under WAC 246-291-360, when the department or health officer:

(a) Determines a public health risk exists;

(b) Receives information documenting contamination;

(c) Receives a report of suspected or known waterborne illness from a health care provider as required under chapter 246-101 WAC; or

(d) Is aware of, or observes, a situation in which the source may be vulnerable to contamination. For example, a source is vulnerable to contamination from a flood event.

(e) A request is made for a permit, authorization or certification.

## Section X Severability

If any section, subsection, sentence, clause or phrase of these regulations is held invalid, such decision shall not affect the validity of the remaining portions.

## Section XI Effective Date

These regulations shall become effective upon approval and adoption by the Benton-Franklin District Board of Health.

ADOPTED BY THE BENTON-FRANKLIN DISTRICT BOARD OF HEALTH THIS 15th DAY OF JANUARY 2014