

Comments from 2010 Group B Draft Rule Public Workshops

Public workshops were held in September to get public input on the draft rule for Group B public water systems. Listed below are the questions we asked at the workshops, the flip chart notes from the breakout groups, and the comment cards received at the workshops. We have received additional written comments on the draft rule and will continue to accept comments until November 1. For questions, please visit our Group B website at <http://www.doh.wa.gov/ehp/dw/groupb.htm#workshops> or contact David Christensen at david.christensen@doh.wa.gov

What we asked:

Water System Customers

1. How important is it to you that we require the water system that serves your home to test regularly for coliform and nitrate?
2. How important is it to you that we require the water system that serves your work, your daycare, or a park that you visit to test regularly for coliform and nitrate?
3. How do we let other customers know about the changes to this rule?
4. The draft rule requires more information on your property title. Are there better ways for you to get information about your water system?

Owners, Operators, and SMAs

1. How important do you think it is that you test your water system each year for coliform and nitrate?
2. What if your water system supplied a small business or a park that served the public, versus one supplying a group of single-family homes?
3. How do we let customers know about the changes to this rule?
4. What are your thoughts about the requirement to notify customers within 24 hours when there's a serious public health risk?

Developers, Consultants, Local Health, and Others

1. What do you think about the draft rule requirements for new source approval?
 - a. Must use a drilled well (no surface water, spring, or dug well sources).
 - b. Must meet health-based drinking water standards without treatment.
 - c. Arsenic standard changed from 50 ppb to 10 ppb, which is the same as the national standard.
 - d. Must be able to provide 750 gallons per day (gpd) in western Washington and 1,250 gpd in eastern Washington.
2. Must use county average household size to calculate residential population.

Ellensburg – Sept. 14 – 8 attendees

- Sampling does not make the water safe. Sampling answers the question about the safety of water.
- Sampling and reporting results is one great reason to communicate with the customers. Consumers are apathetic.
- Owners would not comply voluntarily. I do it now because I am required to sample. I might not sample voluntarily.
- A regulation would not necessarily mean people will comply.
- I would test even without regulation because it's the right thing to do.
- Addresses/reduces a question of liability.
- Require a minimum level of liability and the insurance company will make sure samples are collected and reported.
- Messaging – how to get messages out to public: Get interviews with big newspapers; get interviews with local access channels (TV, radio).
- Notification on property titles – Favorable; most people don't read through the title; connect with licensing requirements for realtors.
- 24-hour notification: Favorable.

Source approval:

- Strict source approval requirements would eliminate alternative technologies (i.e. solar) from being approvable.
- Put in the rule that anything that doesn't qualify for Group B must meet Group A standards.
- Concerns with Group A surface water systems.
- No problems with drilled well only requirement for new Group B systems if there is no monitoring required.
- Concern about not allowing treatment. Can't you make other requirements (i.e., have to have an operator)?
- Probably need to be clear about having to create new Group A systems to allow treatment.
- Be clear that ability to entertain a variance will only happen at local level.

Spokane – Sept. 15 – 13 attendees

- Keep the provision in WAC 246-291-250(4).
- Once a year coliform sample might be insufficient.
- Not important to require ongoing monitoring if there is no plan to enforce the requirement. I plan to continue to monitor with or without requirement.
- Some others in the audience think the state should require annual coliform monitoring.
- Remove requirement for DOH to follow up on non-compliance or unsatisfactory sample results (except *E. coli* positive).
- Support for 24-hour public notification.
- Public notification requirement would not keep me from collecting coliform samples.

- Property title as means of notices: Mostly supported; include “water users agreement” on property title.
- An existing Group B system that is only drilling a new (only—not doing any other changes) should not be required to hire a Professional Engineer.
- New requirements may be a little onerous – understand logic.
- Concern over cost of engineering.
- Because of uncertainty in getting approval, can’t support “no” approval. Need to know if Local Health Jurisdictions will entertain variances.
- Have to have an out – need a pathway to “yes.” New Group B systems that do not meet the proposed source or water quality requirements should have a clearly defined process to obtain approval.
- The Stevens PUD #1 believes that DOH should take full advantage of legislation allowing DOH to not regulate Group B systems with four or fewer connections.
- Please recommend annual testing. The cost is very small versus safety. The workbook (guidance) is a good tool.

Tumwater – Sept. 29 – 29 attendees

System owner breakout group:

- Monitoring is important.
- Most of the group thought that the monitoring requirement is good.
- Does once per year coliform monitoring tell you something?
- Legal liability concerns are addressed with the ongoing monitoring requirement. Owners can claim, “I’m following the requirement.”
- Monitoring requirement is more important for those systems with public access.
- About half of the group believed the rule should include deregulating systems up to four connections.
- Renters need to know their water quality.
- How do we get the message out about the potential changes to the Group B rule? Encourage local newspapers to publish stories and issue public service announcements
- Notice on title is good with some expressing concerns
- If system regulated by Utilities and Transportation Commission, notice on title is less important.
- Importance of notification for those that own their homes vs. those that rent their homes is different.
- Will consumers pay attention no matter what?
- Well share agreement should be required.
- Most like the 24-hour notice requirement.
- Ideas for consumer notification: declaration on property sales, disclosure statement on property transfers, testing at time of loans, licensing, part of home inspection.

Developers, Engineers, and local health jurisdiction breakout group:

- Can the counties set a higher Maximum Daily Demand values than 750/350 gallons per day? Is the more stringent standard okay?
- What happens if Attorney General Opinion regarding exempt wells is overturned?
- In counties without a local oversight program, how would water use (1/2 acre) be policed?
- Clarify that 750 gpd is peak day, not average.
- What about disinfection treatment for taste and odor? Will that be allowed?
- Will interested parties be able to see a draft of the updated system design guidance (Group B workbook)?
- Section 250 doesn't require notification of customers for change of ownership.
- Benefit of annual sample: maintains relationship between Health, satellite management agencies and labs, updated contact information, reminder of responsibility, indicator of water quality.

Other comments (not in response to specific breakout group questions):

- Original WAC: Reliability, quality, quantity. How do you protect public health without those – on an ongoing basis?
- The proposed WAC will not assure reliability and quantity.
- The proposed WAC doesn't lend itself to making determinations of adequacy.
- I have a concern that substandard wells will lead to a proliferation of single party wells that won't be monitored. Is it better to have many untreated wells vs. a regulated water system?
- How much time does DOH southwest regional office spend enforcing Group B regulations?
- How much money is going to be saved?
- Concern that public health is no longer the purpose of the rule. If not, what is?
- Who is going to answer the phone when there are problems?
- WAC 246-291-001 strikes owner responsibility.
- Concerns about Satellite Management Agency requirements not being enforced now.
- Prefer existing WAC. Don't like proposal, not protective.
- No connection to Satellite Management Agency, duty to serve, coordination, MWL.
- Existing crummy systems. Somewhat manageable with ongoing monitoring.
- DOH needs to make (and hasn't made enough) effort to reach the consumers. Few of the 100,000 consumers were represented at this meeting or are aware of the proposed changes.
- DOH believes that educating the owners will provide public health protection: How much time/money will you spend? What will you do? They won't listen.
- People are not aware of existing regulations, let alone proposed changes.
- Stick to the facts on discussion papers (*i.e.*, legislative motives).
- Obtaining no coliform is tough.
- Some Local Health Jurisdictions regulated Group B systems before pass-through money was available.
- What about a new source with 8 ppm nitrate? Would you approve it without ongoing monitoring?
- Satellite Management Agency may have liability for not testing.

- How will there be a requirement for public notification for bad samples if no one tests?
- Irrigation districts – 750 gpd.
- Provision for vacation/recreational homes as opposed to full-time residence.

Mount Vernon – Sept. 30 – 20 attendees

Customers:

- How important is it that the government requires your system to sample your water? Very important (most like requirement).
- Most will monitor their systems anyway (even without a state requirement).
- All agreed that there should be more oversight for systems that serve the public.
- System owners are concerned with legal liability.
- Encourage water systems to talk to each other about Group B Rule.
- 24-hour notice: Mostly support; maybe a problem with absentee owners.
- Better consumer notice = full disclosure.
- Consumers might be notified better if there were conditions on home purchases.
- This has brought up questions that will need to be discussed with customers on the water system.

Engineers:

- Existing systems are limited because they would need to meet new standards.
- Variance process should be in place for systems with dug well.
- It would be a huge hardship to require systems to meet health-based standards without treatment.
- A complex system with treatment is difficult to maintain as safe.
- Arsenic 50 to 10 – okay.
- It should be no problem to provide 750 gpd (western WA) and 1,250 gpd (eastern WA).
- Instead of using average household size in each county, the state should just pick a number per household and apply it statewide. This would create a uniform statewide number of connections that the state would approve for Group B systems.
- Secondary MCLs should be allowed to install treatment in the house.
- Create a model code that counties can adopt.
- Please consider elimination of “population” in definition of Group B systems. Not practical to manage.

Other comments:

- What about residential fire sprinklers? Are we thinking about cross-connections?
- Operating permit fee for complicated systems – fee-based review.
- DOH should charge the “true” cost for a review.
- Engineer Group suggested that an operating permit fee should be set for Group Bs. (*System owners commented strong opposition to this idea.*)
- Use of historical system-based data on water usage for expansion of existing systems.