

**Summary of Proposed WAC Modifications
Group A Public Water Supplies – Chapter 246-290 WAC**

June 11, 2007

Blue Book 2004 Page	WAC	What was Changed	Why was it Changed	Type
Throughout	All Sections	Changed “in accordance with” to under	Clarified rule language to be more reader friendly.	C
Throughout	All Sections	Changed “such” to “the”, “this”, “or”, or eliminated	Clarified rule language to be more reader friendly.	C
Throughout	All Sections	Changed “said” to “the”	Clarified rule language to be more reader friendly.	C
4	246-290-002(1)	List of guidance documents	Updated list of guidance documents that are available from the department.	C
4	002(3)	Added “(EPA)” after the Environmental Protection Agency	The acronym is used throughout the rule.	C
5	010	Added IBC – International Building Code	Formerly known as the Uniform Building Code (UBC).	C
5	010	NSF – changed from “National Sanitation Foundation” to “NSF International”	In 1990 the National Sanitation Foundation changed its name to NSF International. “NSF” is no longer an abbreviation for <u>N</u> ational <u>S</u> anitation <u>F</u> oundation. A new reference to NSF is being added in WAC 246-290-125(1).	C
6	010	Removed UBC – Uniform Building Code	Renamed to IBC – International Building Code.	C
6	010	WFI – “and report” removed from definition	There is no WFI report, only a form.	C
7	010	Changed “local administrative authority” to “authority having jurisdiction”	Name change.	C
7	010	Added “authority having jurisdiction”	Formerly known as “local administrative authority” (name change).	C
15	010	High hazard definition modified slightly	Changed to clarify that list is not all inclusive.	C
16	010	“Local administrative authority” deleted	Name change to “local administrative authority”.	C
16	010	“Low hazard” definition modified slightly	Changed to clarify that it can include chronic health hazard situations.	C

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16	010	Changed reference WAC 246-290-300 (7) to (8)	Renumbered to reflect elimination of 300(7).	C
16 and 17	010	Municipal water supply purposes (c): removed “such” and changed to “beneficial”	Clarified rule language to be more reader friendly.	C
19	010	Definition of “retail service area” added	Term is used in RCW 43.20.260 Review of water system plan, requirements – Municipal water suppliers, retail service. See DOH PUB # 331-366 <i>Municipal Water Law Proposed “Duty to Provide Service” Requirement</i> for more information.	M
28-30	025	CFR’s references updated by changing the date of the CFR referenced in the first sentence of section 025 from July 2003 to July 2007	Several updates are needed to CFR updates made since the last WAC revision.	C
		141.23(i)(1)	Adds arsenic to the list of inorganic sampling requirements.	
		141.25(c)	Radionuclides analytical methods -See June 29,2004 CFR for this and following – corrects errors, typos , and other minor changes:	
		141.26	Radionuclides monitoring.	
		141.62	BAT for inorganics.	
		141.40(all)	This section of the CFR, related to unregulated monitoring, has been revised and is now implemented by EPA.	
		141.85	Updated public education requirement.	
	025	Appendix A & B	Reformatted and explanatory language added for clarification and convenience for reader.	C
30	025	Updated the department’s mailing address	Out dated address.	C
41	100(3)	Removed reference to “other parties”	Clarified the department is responsible for determining the level of detail required in a water system plan.	C

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42	100(4)(a)(iv)	Added requirement municipal water suppliers must meet	See the following fact sheets for information: <i>DOH PUB # 331-366 Municipal Water Law Proposed “Duty to Provide Service” Requirement</i> <i>DOH PUB # 331-367 Municipal Water Law Proposed Documentation for Expanding a Water Rights Place of Use</i>	M
42	100(4)(b)(iii)	Changed “projected” to “designated” regarding land use	More accurately describes information found in comprehensive plans.	C
42	100(4)(f)(iii)	Deleted all language after “Water shortage response plan” and added reference to emergency planning in 420	Current regulations require a water shortage plan if a water system has experienced a shortage or anticipates one within the next 6 years. Experience with droughts, and now threats of terrorism suggest that virtually all water systems have either experienced a shortage or should anticipate one and therefore should develop a water shortage response plan.	P
44	100(8)	Reworded to require governing board approval	Helps to ensure consistency required by Municipal Water Law by raising public awareness of planning efforts. See the following fact sheet for more information: <i>DOH PUB # 331-368 Municipal Water Law Proposed Approval Requirement for Water System Plans</i>	M
44	100(10)	Modified to be consistent with 100(9)	100 (10) indicates that the water system plan should be “submitted” every 6 years, while 100 (9) indicates that plan “approval” remains in place for 6 years. The department’s intent is to have a plan “approved” every 6 years rather than just “submitted.” Rest of 100(10) modified to read more clearly.	P
45	105(3)	Added requirement for approval of small water system management programs for State Revolving Fund funding in WAC 246-290-105 (3)	Adding the State Revolving Fund language in 105(3) makes it clear that a small water system management programs must be submitted when applying for a State Revolving Fund loan.	P

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45	105(4)(d)	Added requirement municipal water suppliers must meet	See the following fact sheets for information: <i>DOH PUB # 331-366 Municipal Water Law Proposed “Duty to Provide Service” Requirement</i> <i>DOH PUB # 331-367 Municipal Water Law Proposed Documentation for Expanding a Water Rights Place of Use</i>	M
46	105(4)(q)	Add operator certification by referencing Operation and Maintenance program requirements	This element is necessary for a small water system to address in order to assess “capacity” and to be consistent with current operating permit and operator certification regulations.	P
46	Added new sections 106, 107, and 108	Sections added to describe new requirements to meet intent of Municipal Water Law	See the following fact sheets for information: <i>DOH PUB # 331-365 Proposed Rule Changes</i> <i>DOH PUB # 331-366 Municipal Water Law Proposed “Duty to Provide Service” Requirement</i> <i>DOH PUB # 331-367 Municipal Water Law Proposed Documentation for Expanding a Water Rights Place of Use</i>	M
47	110(4)(a)(ii)	Change “Action” to “Act”	Correction of a typo.	C
48 and 50	120(2) and (9)	120 (2) modified to make clear that construction of a project cannot be started until receiving written approval from the department. Section 120(9) deleted and (10) renumbered	Section 120(9) does not appear to add any requirements for water systems to meet and some purveyors wrongly believe that by reading section (9) they may begin to construct a project and seek as-built construction after the fact.	P
50	120(7)	“Water right assessment” changed to “water right self assessment”	Change made to be consistent with Municipal Water Law changes and Memorandum of Understanding with the Department of Ecology.	P

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50	125 (1)	Added replacement of an existing water main with a new water main of equal or larger size	<p>Intent is to allow replacement of old, small water mains by utilities that do not satisfy 246-290-125 (2) without completing a project report; e.g. a purveyor already has the authority to replace an existing 6-inch main with a new 6-inch main without a project report. This change would also allow replacement of an existing 4 inch main with a new 6 inch main without submittal of engineered construction documents to the department for review, approval, and a fee.</p> <p>Draft language attempts to provide flexibility desired, but places limits on pipe size increase to address water quality concerns about pipe material as well as possible impacts of installing pipes too large.</p>	P
52	125(6)	Change to 125(5)(c)	Correction of a formatting error.	C
54	130(4)	Changed “water right” to “water right self assessment”	Change made to be consistent with Municipal Water Law changes and Memorandum of Understanding with the Department of Ecology.	M
55	130(8)(a) and (9)	Deleted section (8) and renumbered and reworded (9) related to source approval that specify when a purveyor shall receive approval or may receive conditional approval	As currently worded, these sections provide direction to the department rather than water systems as to when to approve sources. Section 130 (8) is not needed to implement section 130. Section 130(9) renumbered to reflect elimination of (8) and reworded to regulate purveyor rather than the department.	P
57	132(3)(b)(ii)	Reworded to clarify approval process for interties	For clarity.	C
57	132(4)(a)	Changed “water system management plan” to “water system management program”	Corrects an error in terminology.	C
59	135(2)(d)	Modified the language to focus the responsibility on the purveyor and link “permission” to the type of demonstration required by 135(2)	The current regulation requires permission from the department for certain activities in a sanitary control area. This amendment eliminates the possibility of the department being held responsible for giving “permission” to build.	P

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65	200(b)	Changed “Uniform Building Code (UBC)” to “International Building Code (IBC)” and added “other national model codes adopted in Washington State.”	Name change and clarified language to add flexibility.	C
78	300(3)(f)	A new (f) provision is added regarding coliform monitoring at the first nearest service connection under certain conditions	The provision is in federal regulations that were inadvertently omitted during a previous WAC revision. It is a Federal requirement.	C
81	300(4)(d)(i)	Changed language to add “Under 40”	Clarified it was referencing 40 CFR – typo.	C
81	300(4)(g)(ii)	Reference to outdated CFR 141.40(n)(4) eliminated	CFR 141.40 is related to unregulated contaminant monitoring and has been revised. It is being implemented by EPA. Outdated references in the WAC to 141.40 are being eliminated.	C
82 and 83	300(6)	Deleted entire section	This section relates to the Federal Trihalomethanes requirements and is no longer in effect.	C
83-88	300(7) – (11)	Section 6 was eliminated – renumbered sections	Self-explanatory.	C
83	300(7)(a)(iv)(B)	Removed April 10, 2004 date	For clarity.	C
86	300(8)(a), (b), and (f)(ii)	References to CFR 141.40 are eliminated	CFR 141.40 is related to unregulated contaminant monitoring and has been revised. It is being implemented by EPA. Outdated references in the WAC to 141.40 are being eliminated.	C
87-88	300(9)	Entire section eliminated	This section relates to unregulated contaminant monitoring provisions of the CFR that are no longer in effect.	C
88	300(10, 11)	Renumbered to reflect elimination of 300(9)	Self-explanatory.	C
89	Table 3	Removed Total Trihalomethanes Surface Water and Potential Trihalomethanes Ground Water	These two items reference 300(6), which was eliminated because it related to the Federal Trihalomethanes requirements, which are no longer in effect.	C
92	310(3)(b)	Phrase “except for nitrate and nitrite” was added to the first sentence	Nitrate and nitrite are of acute health significance and compliance is not determined for these two contaminants on a running annual average basis.	C
92	310(3)(c)	New provision added for how to determine compliance with nitrate and nitrite MCL	Corrects inadvertent error described above.	C

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95	320(2)(a)(i)	<i>E. coli</i> changed to italics	Corrects a format error.	C
99	320(6)	Eliminated section	This section relates to the Federal Trihalomethanes requirements and is no longer in effect.	C
99-101	320(7) – (11)	Section 6 was eliminated – renumbered sections	Self-explanatory.	C
100	320(8)	Eliminated	Relates to unregulated contaminant monitoring section 300(9) which has been eliminated.	C
114	480(1)(e)(iv) and (v)	Eliminated	1(a) says keep turbidity records for 5 years and source meter records for ten years. 1 (e) (iv) and (v) says keep them for 3 years. Removing 1(e)(iv)and (v) eliminates the conflict and requires maintaining the record for 5 and 10 years respectively.	C
114	480(1)(e)(vi)	Renumbered to reflect elimination of (e)(iv) and (v)	Self-explanatory.	C
116	480(2)(g)	Eliminated.	Refers to monitoring pursuant to 300(9) which has been eliminated.	C
116	480(2)(i-k)	Renumbered to reflect elimination of (g)	Self-explanatory.	C
117	490(1)(e)	Removed the phrase “the provisions of”	Clarified rule language to be more reader friendly.	C
117	490(1)(e)	Changed “falls under the jurisdiction of the local administrative authority” to “lies with the authority having jurisdiction”	Updated language to reflect name change.	C
118	490(2)(b)(iii)	Added (iii) guidance document for cross-connection	Updated language.	C
118	490(2)(d)	Changed “local administrative authority” to “authority having jurisdiction”	Updated language to reflect name change.	C
118 and 119	490(2)(g)- (l)	Reformatted, renumbered, and slightly reworded to clarify intent	Some purveyors have misinterpreted the requirements as currently written.	C
119	490(2)(h)	Changed “local administrative authority” to “authority having jurisdiction”	Updated language to reflect name change.	C

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120	490(3)(c)(i) and (ii)	The appropriate date was inserted to replace “The effective date of the regulation”	For clarity.	C
120 and 121	490(3)(f) and (j)(ii)	Phrase added to clarify that only devices protecting public water systems are covered by this rule	For clarity. Some purveyors have applied the requirements to devices protecting only internal plumbing, rather than the public water system.	C
122 and 123	490(4)(b)	The section modified to incorporate the note to table 9 and to clarify current requirements	For clarity.	C
124	490(4)(c)(i) and (ii)	Phrase “premises isolation” added for clarity and incorrect reference corrected	For clarity.	C
124	490(4)(d)(iii)	The appropriate date was inserted to replace “The effective date of the regulation”	For clarity.	C
125	490(4)(d)(4)(B)	“Uniform” replaced with International	Updated reference.	C
125	490(4)(e)	Words “approved” and “as” added	For clarity.	C
126	490(6)(b)(i)	“Repair” added to list	For clarity.	C
127	490(7)(a)	Phrase added to clarify that only devices protecting the water system are covered	For clarity. Some purveyors have applied the requirements to devices protecting only internal plumbing, rather than the public water system.	C
127	490(7)(b) and (b)(ii)	The word” annually” was added and the wording of (ii) changed slightly	For clarity.	C
129	490(8)(f)	Changed “local administrative authority” to “authority having jurisdiction”	Updated language to reflect name change.	C
129	490(8)(g)	Reworded to clarify reporting format to be used	For clarity.	C
164	676(2)(b)	Reference changed from (1) to (a) in first sentence	Corrects an incorrect reference in current WAC and see above.	C
176	692(1)(d)	Adds the phrase “on more than one day in any calendar month” to the sentence	Phrase was inadvertently removed in prior WAC revision. Added the phrase to be consistent with federal regulations.	C

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176	692(1)(d)	“Violation” changed to “treatment technique violation”	Clarified language. This clarifies that public notification would be required and makes it parallel in structure to the filtered water system requirement of WAC 246-290-662(4)(b),	C
176	692(2)(a)	Removed “and copies of which are available from the department”	Clarified language. Copies are not available from the department. Interested parties need to contact EPA for a copy.	C
181	694(8)	“Unfiltration” changed to “unfiltered”	Correction of a typo in current WAC.	C
187	71001(1)	Removed “Notwithstanding the provisions of WAC 246-290-020”	Clarified rule language to be more reader friendly.	C
187	71001(1)	”except for 3(b)” changed to “3(ii)”	Corrects an incorrect reference to the CFR.	C
194	72005(1)(b)	Modified to reference 40 CFR 140.40 rather than WAC section	Refers to WAC section 300(9) unregulated contaminants which is eliminated – see item on blue book page 87-88 above.	C
197	72006(1)	Reference to a CFR section that no longer exists has been eliminated	A clarifying change.	C
198	72007(6)	Reference: to 300(9) eliminated	Eliminates a reference to another section that has been eliminated.	C
203	72012	Description of coliform MCL corrected	Current definition not correct for water systems collecting < 40 samples/month.	C
203	72012	Giardia, cryptosporidium, viruses, Legionella, and HPC added to chart	These additions were required by Long Term 1, but were inadvertently not added at that time. Required for primacy.	C
210	72012	The Federal Trihalomethanes standard of .10 eliminated leaving only the current .08 standard	Clarifying change.	C