

the Water Tap

Issue 29

June 1997

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Water Systems Placed in Receivership

Two failing Eastern Washington water systems were recently ordered into receivership by Superior Court judges, at the request of the Department of Health (DOH). The systems, Marine View Heights in Grant County and Desert Water in Benton County, are owned by the same person. In both cases the owner was under order by DOH to make necessary improvements to bring the systems into compliance with applicable drinking water requirements and had failed to do so. In addition there was no one in charge of the day-to-day operation of the Marine View Heights system, and the owner of record had left the state. In each case, the judge appointed the County as receiver, and the County in turn contracted for the operation of the system with an approved satellite management agency.

Prior to appointment of the receivers, public meetings were held to inform each water system's customers of what actions were being taken and what the customers could expect once a receiver was appointed. Periodic meetings will continue to be held with customers to inform them of the status of their systems during receivership.

Appointment of the receivers, i.e., someone authorized to operate the systems on an interim basis, was made by Superior Court judges in each county. Working with the Attorney General's Office, DOH petitioned each court for appointment of a receiver and made recommendations as to who the receivers should be. Since their appointment by the court, the receivers have taken control of the respective water systems as authorized under a 1991 state law, and have been granted broad powers to operate the systems. The receivers are authorized to:

- impose reasonable assessments on water system customers;
- make necessary improvements;
- operate and maintain the systems in compliance with all applicable drinking water requirements; and
- receive reasonable compensation for services and for costs of improvements and operation of the systems.

The receivers have twelve months to work with DOH and local governments to develop plans for disposition of the systems. Once completed, the disposition plan will be

presented to the court and the judge will decide future ownership and operation of the systems. The systems cannot be returned to the owner unless DOH is in agreement.

Appointment of a receiver to take over operation of a water system is a serious step and is not taken lightly. Before considering this action, DOH pursues other compliance options such as Departmental orders, penalties, restructuring and satellite management to try and bring systems into compliance with regulations. For further information, contact John Aden (360) 664-0441.

New Director

Gregg Grunenfelder is the new director of the Division of Drinking Water, effective July 1, 1997. Gregg is currently the Director of Thurston County Environmental Health and has served on the DOH Water Supply Advisory Committee and other DOH workgroups for several years. More on the new director will appear in the fall issue of the Water Tap.

Legislature passes DOH Agency Request Legislation

The 1997 Legislature adjourned on April 27 after passing a number of bills related to public water systems and water resources. Among the measures passed, and signed by Governor Locke, was E2SHB 1969, DOH agency request legislation. That bill, which grew out of recommendations of the Water Supply Advisory Committee's 1996 report to the Legislature, contained the following provisions:

- Clarified the roles and responsibilities of DOH, the Public Works Board, and the Department of Community, Trade, and Economic Development in administering the Drinking Water State Revolving Fund recently authorized by Congress, and directed those agencies to administer the program under guidelines until formal regulations are adopted by January, 1999;
- Directed DOH to establish a voluntary consolidated source monitoring program, which would allow a water system to have DOH make arrangements for the collection and analysis of water samples from that system in order to make sure that the samples are taken in a timely and proper manner; and
- Authorized DOH to expand its Operator Certification requirements to all Group A water systems to the extent necessary to conform to recent changes in the federal Safe Drinking Water Act sometime after January 1, 1998.

Other water measures signed into law addressed regional water resource planning, reclaimed water projects, extensions of water rights permits, consolidation of exempt wells, and locally-managed water banks. The next issue of Water Tap will provide a summary of these and other legislation that may affect water systems. Call Dave Monthie at (360) 664-9583 if you have questions.

DOH Increases Fees for Services

DOH recently held a public hearing on a proposal to increase fees for services (WAC 246-290-990) provided to public water systems by 4.45%, the upper limit allowed by Initiative 601. The program needed the increase to assure the fees are sufficient to cover program costs. These fees cover the review and approval of water system plans, project reports, construction documents and monitoring waivers, existing system approvals, miscellaneous evaluations and approvals and the hourly rate for noncategorized services. The fee charged covers the actual cost of service. These fees were last revised in 1995.

DOH received limited comment on the proposed increases at the hearing and the rule was filed for adoption effective June 30, 1997. If you have questions, call Peggy Johnson (360) 753-3528.



American Water Works Association (AWWA)
Small System Operational Support Hotline
1 (800) 366-0107

A Letter From the Director...

1996 Safe Drinking Water Act Amendment Update

DOH staff are working on implementation strategies for the following new requirements under the reauthorized Safe Drinking Water Act (SDWA).

Consumer Confidence Reports (CCRs): These are annual reports issued by public water systems to their customers regarding the source of the water and levels of any contaminants found. Regulations covering this requirement will be promulgated by EPA in the second half of 1998. DOH's Drinking Water Assurance Section will be responsible for administering this provision of the SDWA in this State.

The National Drinking Water Advisory Council CCR Working Group has met in Washington, DC to work on the federal regulation. It is expected that State requirements will closely follow the federal rule. DOH sees these reports as an opportunity for public water systems to inform their consumers regarding the status of their drinking water and to gain support for facility improvements.

Small System Capacity Development: Development of this program will utilize and expand upon the existing operating permit and water system planning programs to ensure new and existing systems have the capability to achieve and remain in compliance with the applicable drinking water requirements.

The operating permit will provide DOH and the system with the current status of the system's compliance. Systems without green operating permits will be expected to identify how system deficiencies can be rectified.

A reemphasis will be placed on the Small Water System Planning Program for expanding and non-expanding systems. A new Small Water System Planning handbook and Small Water System Management Program guidebook are under development to assist small water systems. Workshops for these new publications will be announced in future Water Tap issues.

Operator Certification: The 1996 amendments require that EPA establish minimum operator certification for community and nontransient noncommunity systems. At this time, discussions have started regarding the extent of the program and the size and complexity of affected systems. Cheryl Bergener, manager of the Certification Program in Washington State, is part of the national group advising the EPA regarding this portion of the SDWA. EPA plans on publishing recommended operator certification criteria by February 1998, and guidelines specifying minimum certification standards by February 1999. The deadline for States to submit existing programs to EPA for approval is August 2000. States need to implement programs meeting guidelines by February 2001 or lose 20% of the SRF allotment.

The SDWA has provisions for reimbursements for expenses relating to operator training and certification to small systems that will be impacted by the Act. At this time, the extent to which the SDWA requirements will impact the present Washington State program is not known.

It is with mixed feelings that I prepare my final letter as Director of the Drinking Water Program - sadness in leaving a program and people whom I've come to respect greatly, but excitement and eagerness to proceed with the next phase of my life. For those of you that may not be aware, I am leaving State service on July 1 of this year, and we're very fortunate to have Gregg Grunenfelder, currently Environmental Health Director, Thurston County, taking the Directorship. I and others have used the word 'retiring' but in reality, I'm just leaving to take on other responsibilities and challenges since I'm too young and have too many things I want to try yet to retire!

In thinking about this letter, I thought it would be of interest, at least to me, to reflect on what the Drinking Water Program has accomplished over the last 6 1/2 years and then what I see as the challenges ahead.

When I came in 1991 as the first Director of the Drinking Water Division in the newly created Department of Health, we were struggling mightily with the impacts of implementing the many provisions of the 1986 SDWA, recognition of a significant problem with small water systems, a water resources crisis with hope of resolution through the Chelan Agreement, and numerous state agencies with programs/regulations affecting water utilities without much communication between them. At the time, we had highly professional and competent staff but with an annual budget of only 48 fte's and approximately \$3.5 million. Work by the Departments' Water Supply Advisory Committee (WSAC) had determined that the

program needed approximately 150 fte's to carry out its mandated responsibilities and work had started on obtaining legislative authority for an operating permit program that would raise approximately \$2.2 million.

Well, as you might surmise, we won some and lost some over the next 6 1/2 years but on the whole I believe we made significant progress in terms of defining the scope of the Drinking Water Program to recognize its value and importance not only for public health protection, but for its importance in the economic and social well being of the state's citizenry and essential link with water resource management. We were successful, I believe, in defining our priority public health issues and concerns, and importantly, playing a significant role in convincing the federal government, through amendment of the federal SDWA, that we were in the best position to judge what our health priorities were and how our programs should be implemented. We recognized, as a state, that microbiological contaminants did pose a risk to our citizens and that we should aggressively pursue implementation of the total coliform and surface water treatment rules while also recognizing that contamination from synthetic organics and lead/copper were not significant health issues in the state. We also recognized the importance of prevention as being the most effective and cost-efficient way to resolve problems through continued support for our Operator Certification Program and our Water System Planning Program, which is in itself unique among the states. The Planning Program was easily integrated into the State's new Growth Management Act requirements and was expanded to include the implementation of SDWA source water protection requirements (wellhead protection and watershed control plans). With passage of the operating permit legislation in 1991, additional state resources were provided (about half of what was recommended by the WSAC) as well as authority to require water systems to be financially viable. Thus, the state became a national leader in developing and implementing a program to ensure viability of public water systems. This concept has since been adopted into federal requirements under the 1996 amended SDWA in which every state is required to have a program to assure 'capacity' (they retitled it) of its public water systems.

Perhaps one of the more significant accomplishments, though, was the establishment of a comprehensive monitoring waiver program based on source susceptibility, vulnerability and results of a statewide monitoring program conducted by the state. We have estimated that this program alone resulted in a savings of nearly \$15 million dollars a year to the utilities. We're hopeful, now, that this same approach can be used to establish a voluntary consolidated source monitoring program, in which the responsibility for source water monitoring compliance shifts from the utility to the state at a significant cost saving to the utility. While I won't be around to take any credit for this, once implemented, I'm confident this will be lauded a 'good government' proposal.

Agreements reached with local health jurisdictions and state agencies such as the Utilities and Transportation Commission and Department of Ecology that clearly define agency roles/responsibilities have made significant progress in coordinating and clarifying state regulatory requirements. You will note that I used the term 'progress' because, in my opinion, we still have much to accomplish. But, the foundation is established and can be built upon.

Now, for the two major challenges that lay ahead for the Drinking Water Program in this era of government 'downsizing' and regulatory reform. I believe the greatest challenge is going to be in developing a stable adequate funding base for the program that will allow for building capacity at the local level for the regulation of the very small water systems. This was identified as a key principle by the WSAC in its 1996 report to the Legislature. I raise this as an issue, even though, the program received a significant federal funding increase for the next biennium, because of all the increased reliance on federal dollars. We, as a state, have spoken loudly and often to the federal government about their responsibility to fund federally mandated requirements and that we have the capability to set and implement our own priorities. (Continued next page).

State Revolving Fund (SRF) Update

DOH in conjunction with the Public Works Board (PW Board) and the Department of Community, Trade and Economic Development (CTED) is developing the Drinking Water State

Revolving Fund (DWSRF) for loans to drinking water systems. On May 8 the agencies submitted to EPA the application for the first portion of the Grant that the State will receive to use for the foundation of the DWSRF. It is anticipated that EPA will quickly review the Grant application

and within four to six weeks the agencies should have access to the funds for administering the DWSRF program. This first portion of the grant will also be used for other Safe Drinking Water Act-related programs such as providing technical assistance to small water systems, developing a water system capacity program, supplementing existing drinking water program activities such as data management, and delineating/assessing source water protection areas.

The agencies have also been working on developing the loan portion of the DWSRF. Proposed methods for defining system capacity, prioritizing projects, defining disadvantaged communities, and setting loan terms are completed and are available for public review and written comment during the month of June. All parties interested in reviewing the agencies' proposals for these critical aspects of the loan program should contact DOH for a copy of the public comment document.

Questions have been raised by interested parties about DWSRF loans and how they will relate to water system rates. At this time, there are no plans to tie water system rates to general eligibility for financial assistance. The application process may include an optional request for rate information but this information will not be used to determine whether a specific system is eligible for a loan. Such information, however, might be used for determining if an applicant should be considered a "disadvantaged community" and/or for affordability calculations which may lead to a higher priority in the proposed ranking system.

A schedule for making loans is not yet final. The current estimated schedule is to have loan applications available for water systems by the end of August, with applications due the 1st of October. Three workshops will be held during the application period. If this schedule is met, the first loan agreements will be executed in early 1998.

Contact Richard Sarver, DOH, (360) 586-8123 or Val Fieldsend, CTED, (360) 753-4307 for more information and to receive a copy of the comment document.

DWSRF APPLICATION WORKSHOPS (9 a.m.-3 p.m.)

Wed. Aug. 20, 1997	Hampton Inn, 2010 South Assembly Road, Spokane, WA 99224
Thurs. Aug. 21, 1997	Best Western Plaza Hotel, 3105 Pine Street, Everett, WA 98201
Fri. Aug. 22, 1997	Tyee Hotel, 500 Tyee Dr. SW, Tumwater, WA 98512

Amendment of Group A Public Water System Regulations resumes after Executive Order delay

DOH delayed the Group A Public Water System Regulation (chapter 246-290 WAC) amendment process earlier this spring when Governor Locke issued his Executive Order on Regulatory Improvement. The delay was necessary as DOH cleared up uncertainties in how the order would affect rulemaking currently under way. The process has resumed and anyone interested in the rule can contact DOH or participate in the upcoming WAC workshops (page 7).

The executive order recognizes the need for administrative rules that protect health, safety, welfare and the environment.

It also acknowledges that the growth in the number and complexity of rules has had a significant impact on businesses and the general public. Under the order, state agencies must review their significant rules, with a particular focus on those portions of rules that have been controversial or problematic. A critical feature of the order is the importance it places on public participation. The Department of Health invites interested parties to take part in planning and conducting the review of its rules. If you would like to participate and have an interest in improving a Drinking Water rule or policy, please contact Tom Jaenicke at (360) 753-7432.

Letter from the Director..... cont.

However in this biennium we've gone from approximately 30% federal support to over 60% federal support with a slight decrease in state funding support. The feds have clearly provided dollars to match requirements but where is the commitment by the state? Well, as you all know, I spent considerable time and effort over the last few years in trying to obtain this commitment from the state and for a variety of reasons we were never successful. We're fortunate, I believe to have the increase in federal dollars at this time but it is not the long term answer. It simply is only going to delay the 'day of reckoning.'

The other major challenge is in data management. We currently have a sophisticated but very inflexible, costly, and inadequate system that was not designed to meet the needs of today's program. We've completed an extensive review of the system and have underway a comprehensive restructuring and enhancement project. However, as we all know, these kinds of projects are not easy, typically cost more than planned and take more time. We've got a good management team in place and I'm confident that this project will be an exception.

In closing, let me say that I have sincerely enjoyed the relationships established, and the sincerity and professionalism of all of those dedicated to assuring safe, adequate water supplies in the State. It has been my privilege to have been associated with you.

Sincerely,

B. David Clark, Director

Cross-Connection Control Program Update

DOH is holding several public workshops on the proposed revisions to the cross-connection control regulations (WAC 246-290-490). The purpose of the workshops is to inform cross-connection control specialists and other interested parties on the proposed changes, highlight DOH's statewide cross-connection control implementation plan, and to solicit input from workshop participants on the regulation changes. Persons unable to attend the workshops may submit written comments to DOH. To be considered early in the regulation revision process, written comments should be submitted by June 30.

As part of the regulation revision process, DOH has been coordinating with the State Building Code Council and the Department of Labor and Industries (L&I). The State Building Code Council is the agency responsible for adopting the Uniform Plumbing Code (UPC) which is enforced by local administrative authorities (plumbing/building officials). The State Building Code Council is recommending changes to make the UPC more consistent with WAC 246-290-490. L&I is responsible for enforcing the provisions of the statute that regulate plumbing within buildings (Chapter 18.106 RCW). DOH has been working with L&I to resolve issues related to backflow assembly testing within buildings.

Both the UPC and the plumbing statute have the potential to impact public water systems implementing cross-connection control programs. It is hoped that the inter-agency coordination, proposed regulatory changes to WAC 246-290-490 and the UPC, combined with an educational effort, will help reduce the potential for jurisdictional conflicts between purveyors, backflow assembly testers, plumbers, and local administrative authorities involved in cross-connection control.

DOH plans to send out a cross-connection control program letter to all Group A community systems soon. The purpose of the letter is to remind systems about the requirement to develop and implement cross-connection control programs, discuss the proposed regulatory changes, and inform purveyors of DOH's planned increased emphasis on compliance with the cross-connection control requirements. The letters will also ask purveyors to survey their systems for cross-connection hazards and notify DOH of the results.

For further information on DOH's cross-connection control implementation plan or the status of the regulation revisions, contact Terri Notestine at (360) 753-5987. Copies of the proposed cross-connection regulations are available by calling (360) 753-5995.

Ready, Set, Read Your Meters

DOH is in the final stages of expanding the Drinking Water Automated Information Network (DWAIN) computer system to be able to manage water use data. Additionally, the water facility inventory (WFI) form, mailed annually to all Group A systems, is also being revised and will include a new section on water use data reporting. Beginning late this summer

purveyors will be asked to supply water use data as part of the WFI form. The information collected is part of the water use data collection and reporting requirements contained in the Department of Ecology and DOH "Conservation Planning Requirements" document dated March 1994. The document is available from your local DOH regional office.

Group A community systems with 1,000 or fewer service connections will be asked to report:

- Source of supply usage - peak month and annual totals (from each withdrawal or diversion).
- Wholesale water purchased and sold through interties - peak month and annual totals.
- Residential population served.

In addition to the above data, those systems with 1,000 or more service connections will be asked to report:

- Service meter usage from single family, multi-family, commercial/industrial/governmental, and agricultural customers classes - peak month and annual totals.
- Number of service connections in each of the above four customer classes.
- Unaccounted for and accounted for non-revenue water.

Those systems required to report service meter related data that do not have service meters will be required to estimate usage. Source meters are required for all Group A systems. Water right permits from Ecology and water system plan approvals from DOH may include conditions requiring the collection of water use data consistent with the "Conservation Planning Requirements." Systems have been allowed a transition time between 1990 (when data collection guidelines were first developed and distributed) and the present to begin to gather the required water use data. Systems that do not currently gather all required data should report currently available data and commit to collection of all applicable data elements within a year from the initial reporting request.

Data collected will be used for a wide variety of water resources management efforts by all levels of government and by the private sector. Data collected in the DWAIN system will be available for use by interested parties. Additional information and details on water use data collection will be provided as part of the initial data reporting effort. If you have any questions, contact Erik Fairchild at (360) 586-5207.

Training

August 10-13	Water Resources Management	Seattle	Susan Blount	(303) 347-6181
Sept. 12	Small System Management	Pt. Townsend	AWWA NWS-Tentative Workshop	(206) 257-8875
Sept. 18	Water Works Operator Workshop	Olympia	Ronni Woolrich	(360) 586-1096

Regional Issues



Surface Water Systems

This second article in a three part series on the status of the state's surface water systems features the Northwest Region water systems. The status of the Eastern Region systems was featured in the March 1997 issue and a report on the status of systems in the Southwest Region will be included in the next issue of the Water Tap.

Because surface water sources may be vulnerable to microbiological contamination, DOH has made their protection a priority. Both the unfiltered and filtered surface water systems in the Northwest Region have made great progress in achieving compliance with the Surface Water Treatment Rule (SWTR) over the past several years. Half of the remaining unfiltered systems are on track to come into full compliance this year. Among the filtered systems, the number of systems failing to meet the SWTR treatment requirements has fallen dramatically since DOH began implementing the SWTR in the summer of 1993 and more systems are expected to come into compliance this year.

Unfiltered Systems Installing Filtration or an Alternate Source:

	Number of Systems
Current	7
One year ago	16
Three years ago	21

Of the seven remaining systems in this category, Buck Creek Camp and Moran State Park are expected to gain compliance with the SWTR before this summer. Buck Creek Camp has a bag filtration system currently under construction and the Moran State Park-Mountain Lake system has nearly

completed construction of its new well. McHaven, Inc. and Madrona Estates have submitted plans for cartridge filtration facilities. Kangley and Selleck have made significant progress towards developing a ground water source. A homeowner's association has been formed in Kangley and King County has spent several hundred thousand dollars to develop two wells. Kapowsin has installed a cartridge filtration system, but has experienced problems with color and higher than expected turbidity. They plan to redevelop the intake closer to the spring source during the 1997 construction season.

Unfiltered Systems Remaining Unfiltered

The Seattle and Tacoma water systems are currently in compliance with the monitoring and treatment requirements of the SWTR. Seattle has signed a contract for the design, construction and operation of a filter plant on the South Fork of the Tolt River and has initiated the environmental review process for construction of ozonation facilities on the Cedar River source.

Filtered Systems

	Number of Systems	Systems not meeting treatment requirements	Systems with no filtration credit
Current	50	9	9
One year ago	46	10	10
Three years ago	45	26	26

Of the nine systems with no filtration credit [less than 99% (2 log) Giardia cyst removal], eight have plans in place to upgrade their existing treatment plant, replace their treatment plant, or obtain an alternate source. The exception is the

town of Carbonado, which has attempted without success to develop a groundwater supply. The town has only 200 services and has been unable to afford a full time water treatment plant operator. The situation is compounded by a difficult raw water which changes rapidly and is high in color. The Tacoma pipeline is approximately five miles away and would be the ideal solution if sufficient funds could be obtained to finance the project.

These surface water systems, in all categories, may be eligible for SRF loans (see separate article on page 4) and may receive a high priority ranking by the department. Many of the remaining "problem" surface water systems serve low-income communities and DOH may give special consideration for SRF loans as disadvantaged communities. For questions on surface water systems in the Northwest Region call Nancy Feagin at (206) 464-7961.

Address _____ City _____ State _____ Zip _____

Dear Dr. Drip

I'm the manager of a small water system that serves residential customers with beautiful landscaped yards and gardens. During the warm summer months the water demand placed on my system over doubles as a result of outdoor water usage. In fact, so much water is used by residents in the summer that the Army Corps of Engineers has classified the land within the system as wetland! What can I do to inform my customers of the importance of water conservation and discourage the ducks from nesting in the runoff?

Wastefully Yours, *Ivanna Water-Moore*

Dear Water-Moore:

Outdoor water conservation efforts represent a significant opportunity to improve water use efficiency, lower water and power bills, extend the life of existing developed sources, reduce water and wastewater treatment costs, and protect the environment. Here are some timely-tips for reducing outdoor water usage:

- Use conservation-oriented water rates to send the proper price signals to customers (the more you use the more it costs, and therefore the more you pay!)
- Encourage the use of low water use landscaping (consult your county extension office, local water utility or local nursery to identify low water using plants and turfs).

- Encourage the use of efficient irrigation practices such as watering in the early morning or evening, not over watering, properly adjusting sprinklers to minimize over-spray, etc..
- Encourage repair of leaking irrigation systems, hoses and sprinklers.
- Encourage use of a bucket and automatic shut off nozzle when washing cars, and use of a broom instead of a hose to clean sidewalks and driveways.

DOH has four water saving brochures available for distribution to customers. They include:

- Guideline #1 - 32 Ways to Reduce Water Waste
- Guideline #2 - Find Out How to Save Water Indoors
- Guideline #3 - Timely Tips for Saving Water Outdoors
- Guideline #4 - A Guide to Understanding Conservation Oriented Water Rates (used to educate customers when rates are being changed).

These brochures are available free of charge up to 500 copies, or a camera ready original is available. Call Toni Snyder at (360) 664-8099.

In this issue: The following individuals have contributed to the production of this issue of the *Water Tap*: John Aden, Peter Beaton, Erik Fairchild, Nancy Feagin, Tom Jaenicke, Peggy Johnson, Dave Monthie, Terri Notestine, Carol Stuckey, Simon Tung, Ronni Woolrich, and Judy Welch, editor.

Comments and questions are welcome. Please write: Editor, The *Water Tap*, Department of Health, Division of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822 or email to DWINFO@hub.doh.wa.gov

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New Planning Handbook Available

The Division has updated its Water System Planning Handbook. This guidebook provides direction to consultants, utility personnel, and regulators who are involved with water system plans of relatively complex Group A community public water systems. It's available in hard copy, on diskette, camera ready, or via the internet. To order call, 1-800-521-0323. If more than one copy is needed, order the diskette, camera ready copy, or use the Internet version. The Drinking Water homepage is <http://www.doh.wa.gov/ehp/dw>.

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