


Division of Drinking Water Policy/Procedure

Title:	Adequacy Responses for Group A Water Systems	Number: [J.26]
References:		
Contact:	Ellen Winningham	
Effective Date:	02/21/97	
Supersedes:	Lending Institution Reports (J.07) and County Health Letters (J.08)	
Approved:	 Director, Division of Drinking Water	

POLICY:

Requests pertaining to the status of water systems shall be addressed by the Department of Health, Division of Drinking Water (Division), using a standardized, consistent procedure known as *adequacy responses*. Adequacy responses shall be based on the operating permit criteria.

Agencies other than the Division, such as counties and lending institutions, are responsible for making the actual decisions whether a building permit should be issued or a loan approved.

PURPOSE STATEMENT/BACKGROUND:

The state Growth Management Act (GMA) directs local governments to verify the adequacy of water systems prior to issuing building permits (RCW 19.27.097). To accomplish this directive, local governments contact DOH to determine the ability of an existing water system to serve new construction. DOH has adopted regulations which provide annual operating permits that identify the adequacy of the water system (WAC 246-294).

In addition, the Division receives requests for water system status for a variety of different reasons, which include: Lending institutions processing loans for new construction, refinancing of existing loans, or purchasing of existing loans; and the Utilities and Transportation Commission (UTC) evaluating regulatory status of water systems seeking rate increases. These are generically referred to as *adequacy requests*. Other similar requests are not covered in this policy, notably consumer inquiries about their water system (which are addressed through the public disclosure process), and county inquiries into the adequacy of water service to proposed subdivisions (which are addressed in another policy).

There is a recognized need for the three Division Regional Offices to have a consistent approach in responding to adequacy requests.

GENERAL PROCEDURE:

- Persons seeking an adequacy response should contact the appropriate Division Regional Office.
- Regional Office Compliance Managers shall be responsible for receiving and responding to all adequacy requests.
- Every effort will be made to respond to each adequacy request within 30 days of receipt.
- If, within 14 days of its adequacy response, a Regional Office receives updated information from a water system, the information will be evaluated. Any change to the adequacy response which may become necessary shall be promptly made without charging an additional fee.

SPECIFIC PROCEDURES

1. How to Respond to Adequacy Requests:

- Adequacy requests, and responses to those requests, shall be in accordance with the information presented in **Chart 1**. FAX correspondence may be substituted for any written correspondence identified on the chart.

Chart 1

Type of request	How request can be made	Criteria used to evaluate request	How to respond to request	Whether there is a fee required
County (building permit)	Verbal or written	Operating permit	Verbal or written	No fee
Lending institution	Written only	Operating permit	Written only	\$89*
UTC	Verbal or written	Operating permit, complaints, and enforcement	Verbal or written	No fee

* No fee will be charged if system adequacy cannot be determined

- All written correspondence related to adequacy requests shall occur using the forms and sample letters on file with the Assurance Section.

2. Criteria to be used in Adequacy Responses:

- All information for adequacy responses shall be based on the operating permit criteria (WAC 246-294-040) and are contained in the Drinking Water operating permit

database (or other databases containing applicable information). No individual system file checks should occur, except through the process described in Chart 3. **Chart 2** identifies the operating permit criteria:

Chart 2

Category	Basic Description	Criteria	Response
Red	Substantial non-compliance	1. System is subject to a Health Order and/or 2. System is in violation of any order issued against it and/or 3. System is an unresolved SNC and/or 4. System exceeds approved number of service connections (or ERUs)	Inadequate
Yellow	Conditional Compliance	1. System has complied with water system plan requirements and/or 2. System has complied with financial viability requirements and/or 3. System has complied with operator certification requirements	Adequate
Green	Substantial Compliance	System is in compliance with all criteria listed above.	Adequate
Blue	Limited Knowledge	System has not been evaluated against all criteria listed above	(See Chart 3)

- The adequacy response shall include the operating permit Category, Response and the Criteria generating the Response (see Criteria on Chart 2).
- Chart 1 identifies two additional “criteria” to be used in responding to adequacy requests from UTC. These include: Complaints (number received and status) and enforcement actions (nature of violation, type of action, and status).

3. If a System Cannot be Evaluated . . .

- If the operating permit database cannot evaluate system adequacy, the process outlined in **Chart 3** shall occur:

Chart 3

1. The Regional Engineer shall determine the adequacy of the system within one week.
2. If system adequacy cannot be determined by conducting a file review, request that system owner submit a project report addressing system adequacy (see Physical Capacity Policy).
3. If system is unapproved, or exceeds approved physical capacity, notify system owner and give 14 days to dispute the determination by providing appropriate documentation.
4. If documentation is received from the system within 14 days, review the material, enter appropriate result in the operating permit database and notify system owner.
5. If no documentation is received from the system after 14 days, enter determination into drinking water operating permit database and notify system owner.

ATTACHMENT A-1

PROCEDURE FOR INITIATING ADEQUACY REQUESTS

The following should help to clarify THE procedure regarding the issuance of letters on the CURRENT STATUS of a water system. Letters issued are valid for ONE Transaction ONLY and indicate the current status of the system regarding compliance with State Rules and Regulations reviewed, are not transferable, and should NOT be considered an indication of CONTINUING COMPLIANCE by the system.

1. All requests for compliance reports must be in writing. Telephone requests will not be processed and only serve to delay the procedure. Please use the attached request form and return it to (Regional Compliance Manager address and fax number).
2. Due to the amount of research involved, PLEASE ALLOW UP TO 30 - DAYS from the receipt of your request letter for us to process your request. "RUSH" requests cannot be expedited due to the volume of requests being received. Because every letter is "Very Important to Someone," we will process all requests as quickly as possible in the order in which they are received.
3. There is an \$89.00 charge for this compliance report per WAC 246-290-990. We will send the bill along with the completed compliance report. Please refer to the Invoice Number indicated on your bill when mailing payment to the Department of Health, Revenue Section. Checks should be made out to Department of Health. Payment does not guarantee a positive response.
4. If you have any questions about a compliance report you receive, please call our office at (general office phone number).

The above information should help you understand our procedure. Please pass this information on to other staff members and/or any other offices you may have. Thank you for your help and cooperation.

DEPARTMENT OF HEALTH

(REGION) Drinking Water Operations

(ADDRESS)

FAX:

ADEQUACY REQUEST FORM

The undersigned requests a report per WAC 246-290-990 on the following public water system:

County _____

State Identification Number _____

Name of Water System _____

New Construction Yes ___ No ___

Existing Yes ___ No ___

Name and Address of Requester:

Phone Number (____) _____

Fax Number (____) _____

Purchaser:

Comments:

I understand that there is an \$89 fee for preparing an ADEQUACY RESPONSE per WAC 246-290-990.

Print Name _____ Date _____

Signature _____

Title _____

ATTACHMENT B

Date

Subject: Water District
County
System ID # _____ ; (Reference #)
Group A, Type _____

Dear :

- I.a. This letter is in response to your request for a status report on the above-named Group A water system. We offer the following information.
- b. This letter is in response to your request for a status report on the above-named Group A water system and rescinds previous letters received regarding this transaction.
- II.1.a. This system is in the green category for operating permits according to WAC 246-294 for operating permits and is regarded as adequate.
- 1.b. This system is in the yellow category for operating permits according to WAC 246-294 and is regarded as adequate.
- 1.c. This system is in the red category for operating permits according to WAC 246-294 and is regarded as inadequate.
- III.1.a. The system is subject to an order under WAC 246-290-050 for
- (a) Failure to have approved construction documents
 - (b) Stopping work on system improvements
 - (c) Failure to meet pressure requirements
 - (d) Failure to meet water treatment requirements
 - (e) Failure to have a certified water treatment plant operator
 - (f) Failure to meet water quality maximum contaminant levels
 - (g) Placement of a moratorium on the system.
- 1.b. The system is in violation of a departmental order issued under WAC 246-290-050.
- 1.c. The system is in violation of a federal administrative order issued under the federal Safe Drinking Water Act.
- 1.d. The system is required to submit monthly coliform samples. The system has failed to monitor as required during (list months) of the last twelve months (WAC 246-290-300), and/or exceeded the maximum contamination level (MCL) in (list months) (WAC 246-290-310). The system is considered a *significant non-complier* and is out of compliance with these requirements.
- 1.e. (UTC requests only) The system is in violation of _____ and has been issued a (NOV/BCA/NIP). The system is currently in/out of compliance with drinking water regulations.
- 2.a. Plans for the design of the system have been approved for _____ residential connections by this department. According to our records, the system currently has _____ residential connections.

- 2.b. Plans for the design of the system have been approved for _____ residential connections by this department. According to our records, the system currently has _____ residential connections and therefore has exceeded the approved capacity.
- 2.c. Plans for the design of the system have not been approved by this department as required by WAC 246-290-120.
- 2.d. Plans for the design of the system have been approved for _____ residential connections by this department. According to our records, the system currently has _____ residential connections. No additional connections are approved at this time.
- 3.a. The system is required to comply with the water system plan requirements and financial viability provisions per WAC 246-290-100. The plan has been submitted and is approved.
- 3.b. The system is required to comply with the water system plan requirements and financial viability provisions per WAC 246-290-100. The plan has not been submitted as required.
- 4.a. The system is managed by a certified operator as required by WAC 246-290.
- 4.b. The system is not managed by a certified operator as required by WAC 246-290.
- 5.a. (UTC requests only) The system has received _____ complaints in the past 12 months. The complaints have/have not been resolved to the satisfaction of the department.
- IV. 1. This letter is valid for this transaction **only and expires in 30 days after issuance of this letter**. Regulations establish an \$89 fee for this information per WAC 246-290-990. Please remit payment within thirty (30) days of the date of this letter. Invoice enclosed.
2. This letter is valid for this transaction **only and expires in 30 days after issuance of this letter**. Regulations establish an \$89 fee for this information per WAC 246-290-990. You have already been billed.
3. This letter is valid for this transaction **only and expires in 30 days after issuance of this letter**. Regulations establish an \$89 fee for this information per WAC 246-290-990. Payment was received with your request.

Sincerely,

Name
Regional Compliance

enclosure

cc: Local Health Jurisdiction
Water System Manager
Regional/District Engineer
Cheryl Bergener, DOH

Attachment C-1

Date

Name

Address

City, State Zip

Subject: System, County, ID #
Construction Document Status/
Maximum Service Connection Limit
Over-Connected - Potential Red Operating Permit

Dear:

The (Regional Office) of the Department of Health is doing a routine review of the files of all Group A water systems located in our region. The purpose of the review is to assure that all systems have approved engineering documents which are consistent with the intended land use.

Our files for the above-named water system include approved engineering documents which indicate that the water system is capable of supplying drinking water to (approved number of connections) residential connections. This system's Water Facilities Inventory form indicates that there are currently ___ active connections. Therefore, **this system is considered to be over-connected** and inadequate based on the Department of Health Water Regulations. Please note that this out of compliance status will result in a red operating permit designation unless action is taken as indicated below.

If your files do not agree with the determination listed above, please submit a written explanation and documentation supporting any changes to our files within two weeks of the date of this letter. Our mailing address is:

Department of Health
Division of Drinking Water
(Region)
(Address)

To return to compliance with the Planning and Engineering Documents portion of the Drinking Water Regulations, you must bring your system's files up-to-date with the Department of Health. This may involve submitting, for approval, a Water System Plan, Project Report, or As-Built Construction Documents. Please contact this office to determine which of these are required. (Please note: The implementation of WAC 246-290-990 requires that the department charge fees for the review and approval of documents.)

Enclosed, you will find a Project Submittal checklist to help you in this process. Also enclosed you will find a brochure on "How to Hire an Engineer".

Through a copy of this letter, the County Health Department is being informed that your system's engineering documents appear to be inadequate for the system as it exists. The county may use this information in making building permit decisions for single family residences per the Growth Management Act.

In addition to having approved engineering documents, total compliance with the Department of Health Drinking Water Regulations also requires proper water quality monitoring with acceptable results, as well as proper operation and maintenance. Those items are not addressed in this letter and may be a factor in the overall compliance status of your system.

Sincerely,

(engineer)
Regional Engineer
(Region) Drinking Water Operations

enclosure

cc: Local Health Jurisdiction
Regional Compliance

Attachment C-2

Date

Name

Address

City, State Zip

Subject: (System name), County, ID #
Unapproved Construction Documents
Potential Red Operating Permit

Dear:

The (Region) Drinking Water Operations office of the Department of Health is doing a routine review of all water system files for Group A water systems located in our region. The purpose of the review is to assure that all systems have approved engineering documents which are consistent with the intended land use.

Our records show that **NO** adequate planning and engineering documents have ever been received and approved for the above-named water system. **The water system is not approved for additional service connections.** Please note that this out of compliance status will result in a red operating permit designation unless action is taken as indicated below.

To come into compliance with the Planning and Engineering Documents portion of the Drinking Water Regulations, you must bring your system's files up-to-date with the Department of Health. This may involve submitting, for approval, a Water System Plan, Project Report, and/or As-Built Construction Documents. Please contact this office to determine which of these are required. (Please note: The implementation of WAC 246-290-990 requires that the department charge fees for the review and approval of documents.)

Enclosed you will find a Project Submittal Approval checklist to help you to come into compliance with the engineering requirements of the Department of Health Drinking Water Regulations. Also enclosed you will find a brochure on "How to Hire an Engineer".

If your files do not agree with the information in our files, please send a written explanation and documentation supporting any changes to our files within two weeks of the date of this letter. Our mailing address is:

Department of Health
Division of Drinking Water
(Region)
(Address)

A copy of this letter is being sent to the County Health Department to inform them that your system does not have the appropriate documents on file. The county may use this information in making building permit decisions for single family residences per the Growth Management Act.

In addition to having approved engineering documents, total compliance with the Department of Health Drinking Water Regulations also requires proper water quality monitoring with acceptable results, as well as proper operation and maintenance. Those items are not addressed in this letter and may affect the overall compliance status of the system.

Sincerely,

(Engineer)
Regional Engineer
(Region) Drinking Water Operations

enclosure

cc: County
Regional Compliance Manager
Ellen Winningham, DOH - NW Drinking Water