

Water Supply Advisory Committee

July 30, 2009

CenterPoint Corporate Park
20809 72nd Avenue South
Kent, Washington 98032

Meeting Notes

Welcome and Introductions – Rich Hoey (Chair – substituting for John Kounts)

1. Compliance Strategy (*Chris McCord*)

Chris gave a presentation on the Office of Drinking Water's (ODW) compliance program.

The ODW compliance strategy, developed in 2002, is to use a progression of informal to formal compliance actions to inform and assist water systems, hold them accountable for actions taken or not taken, and assure compliance is achieved.

Objectives of assuring compliance:

- Focus on public health protection and health risk prioritization.
- Enforce requirements by making system owners and operators accountable for compliance.
- Provide consistent education to consumers and notification of requirements to system owners, including the consequences of not meeting the requirements.
- Follow through in a consistent, fair, and timely manner with compliance actions that are appropriate for the particular violation.

Chris also asked WSAC for feedback on ODW's compliance program as the office continues to adjust its compliance program efforts. How can we make compliance activities more accessible to the public (how to tell our stories)? What other tools can we use to address compliance issues before they become failures and resource intensive? Is receivership the most appropriate final endpoint, or should we consider adding new tools to our enforcement toolbox? Should a media release or Web posting list problem systems specifically by name, or show a summary of actions taken by action level and program type?

Overall comments from WSAC:

1. Develop better or broader partnerships with local entities ("engage" them vs. telling them).
2. Get public support – remember that you're doing this on behalf of public's health and safety, so get their support.
3. Issue press/media releases before penalty. Use local news media, too.

2. Budget & Status of Operating Permit Fee (*Denise Clifford and Kristin Bettridge*)

The Office of Drinking Water (ODW) is approximately 65 percent federally funded. The state budget projection for 2011 continues to decline.

Below are some examples of reductions ODW made and continue to find ways to reduce spending where appropriate:

1. GFS support we provide to the local health jurisdictions for Group B water systems was eliminated.
2. Several vacancies within ODW have either been abolished or not filled.
3. Reduction in Water Use Efficiency activities.
4. Reductions in administrative costs such as travel, equipment/office supply purchases, etc.

ODW is also making changes to its water system planning program based on an extensive program evaluation that started in 2007. This shift is called the “Appropriate Level of Planning.” The goal is for all utilities to do the right level of planning that fits both our needs to ensure capacity, and their individual system needs and circumstances. And ODW’s priority is to use its staff time and resources most effectively.

Challenges/issues with the ODW budget:

1. General Fund State (GFS) continues to decline.
2. Sanitary survey and fee-for-service fees are not increasing. There are currently two initiative measures (Initiatives 1033 [protecting taxpayers by limiting taxes] and 960 [relating to tax and fee increases imposed by state government]) that might prohibit ODW for raising fees.

ODW has put forward this year to DOH Secretary Mary Selecky the fee proposal to increase the operating permit fee. It will be up to her whether she chooses to submit it to the Governor and whether the Governor will include it in her budget, and eventually be part of the discussion during the legislative session.

It was also mentioned that although ODW shared the proposed operating permit fee increase with a number of stakeholders, ODW has not approached the small water systems and the media to reach out and further present to them what the structure looks like and its challenges.

3. Small Water Systems Report (*David Christensen*)

David gave an update on the status of the report to the Legislature on small public drinking water systems that we wrote to fulfill requirements from the 2008 legislative session (ESHB 2765). He mentioned three recommendations being made by the Department of Health:

1. Reduce the growth of small water systems. We recommend requiring developers to attempt to connect with an existing water system rather than establish a new one.
2. Ensure new water systems have an ownership structure that positions them for success. We recommend requiring that new Group A water systems be owned by a satellite agency or a public entity, such as a water district.
3. Improve department oversight of the financial health of water systems, and align resources to assist water systems in need.

He also talked about future considerations. They include:

1. Amend RCW 70.119A.110 to increase the base fee for water systems to obtain an operating permit that would include a variable, declining per-connection charge for every size system.
2. Early intervention strategies will reduce the number of failing water systems. Changes to receivership authorities could strengthen the existing legal framework for addressing failing water systems.
3. Current water law does not provide much incentive for water system consolidation. We believe that additional incentives for system consolidation should be explored.

David mentioned that the report was finalized in June and the Office of Financial Management will release it sometime soon.

ACTION: Send the report to WSAC when it is released (Note: Sent on 9/3/09).

4. ODW Rules Update (*David Christensen*)

Stage 2 Disinfectants and Disinfection Byproducts Rule

We are adopting this rule as required by the U.S. Environmental Protection Agency (EPA) to prevent potential cancer, reproductive and developmental health effects. The rule requires water systems to reduce peak and average levels of disinfection byproducts in drinking water supplies.

Timeline/Comments:

June 15, 2009 – Public hearing.

June 30, 2009 – Formal public comment ends.

January 2010 – Rule in effect.

Groundwater Rule

The rule increases public health protection by reducing the risk of viruses and bacteria in drinking water wells. This rule revision will apply to all Group A community and non-community water systems that serve groundwater.

Timeline/Comments:

End of 2009 – Discussions on language.

Beginning of 2010 – Draft language.

To be scheduled/determined – Public hearing.

Late 2010 – Rule adoption.

January 2011 – Rule in effect.

Lab Reporting Rule

We have added reporting requirements to the Washington Administrative Code, Chapter 246-390 (Drinking Water Laboratory Data Certification Rules). The name of the chapter will be changed to clarify its purpose and adding reporting requirements to ensure consistent, reliable reporting data. Proposed name change: Drinking Water Laboratory Data Reporting Rule.

Timeline/Comments:

June 10, 2009 – Stakeholder meeting to discuss draft language and solicit feedback on approaches. Feedback is currently being evaluated, and we are making changes to the draft rule language.

Lead and Copper Rule

This rule provides a more effective approach of reducing exposure to lead in drinking water. Through a formal agreement with EPA, the Department of Health carries out the public health protections of the federal Safe Drinking Water Act. To meet our formal agreement, we are revising the Group A rule to include the short-term revisions to the Lead and Copper Rule. This rule revision applies to all Group A community and non-transient non-community water systems. Rule revision topics include: clarifying monitoring requirements, improving consumer awareness, and modifying lead service line replacement requirements.

Timeline/Comments:

July 2009 – Filed a notice with the Washington State Register to begin revising the Group A rule.

October 2011 – Rule adoption. Currently, we are analyzing the short-term revisions and developing a rule adoption schedule.

Group B Rule

Group B water systems serve fewer than 15 connections and fewer than 25 people per day. The state's 13,000 Group B water systems serve about 110,000 people.

The 2009 legislation allowed the State Board of Health (SBOH) to adopt rules for Group B water systems that do not require ongoing water quality monitoring. The SBOH also received authority to exempt water systems with fewer than five residential connections from all requirements. The Department of Health is working with the SBOH to revise the Group B rule.

Timeline/Comments:

Summer/Fall 2009 – Meet with stakeholders, local health partners, and interested parties to get their input about how to best oversee Group B water systems.

Early 2010 – Draft rule.

End of 2010 – Rule adoption.

Early 2011 – Rule effective.

Next WSAC meeting is October 21, 2009.

Suggested agenda topic(s):

1. Lab rule (timing and approach)
2. Water System Plan (appropriate level of planning)