

Small Water Systems Technical Committee

9:30-12:30, June 11, 2007

Seattle KC Public Health Eastgate

Facilitator: Tamie Kellogg, Kellogg Consulting Inc.

Meeting Summary Notes

1. Introductions – Housekeeping

- The Committee approved the May 14 meeting summary notes as written.
- KCDNRP informed the Committee that the Executive Committee is planning on holding a meeting on June 21.
- One member felt that the Coordinating Committee is not functioning in the intended capacity. It has helped coordinate the disposition of Ecology grant funds but is not coordinating the work of the technical committees. He said that the Small Water Systems Committee is working well.

2. Discussion of Receivership

- KCDNRP summarized the work that was done to gather information and make Committee-requested changes to “Receivership of Failing Water Systems in King County” (sent to Committee before the meeting):
 - KCDNRP collected copies of several agreements between PUDs and counties that enable the PUDs to be named receiver of failing small water systems in their service areas; the agreements are available for review upon request.
 - The agreement between Snohomish County PUD and Snohomish County allows the PUD the right to refuse to take on failing systems in its service area if not financially viable.
 - KCDNRP contacted the director of Snohomish County Public Works. The director said that they did not have to do much after the county became receiver of the failing Rimrock system. One homeowner organized the formation of the Peoples Creek Water Association. The DOH health order was lifted after the system was reconfigured and repaired. It still is not clear as how the repairs were funded. KCDNRP is waiting to get a copy of the final Rimrock report from DOH.
- One member said that people on small water systems are used to getting water for practically nothing and then balk when they are asked to pay more for improving failing systems. He felt that governments should not expect private companies to take over these systems—that governments should take on the difficult task of requiring homeowners to pay for properly built and operated systems. PHSKC said that governments don’t view themselves as water purveyors, only as regulators of water quality. Historically, the law gave governments greater authority than today to evict or arrest offenders.
- In response to a question from a Committee member, KCDNRP said that King County does not have any design standards for bringing failing systems into compliance.

- The Committee requested a few changes to the receivership document and approved it, with these changes, as the final version to go into the Committee’s final report. Revised sections read as follows:
 - *Second paragraph, third sentence*—It has been assumed that very small systems, simply because of their size, sometimes lack the requisite financial and managerial capacity to successfully operate in compliance with complex regulatory requirements.
 - *Third paragraph—new sentence was added after the first sentence*: The regulations on Group A systems are much more stringent than on Group B systems.
 - *“Possible actions” section*—
~~Some information was presented to the Committee on the issue of receivership.~~ Because the County perceives a threat of being appointed the receiver of a failing system, they ~~considered-suggested~~ some steps actions to ~~take to~~ improve communications with DOH ~~that they thought would help~~. In addition, they looked to their 1994 Draft Action Plan for Receivership to address their concerns. ~~The Committee supports the County in taking those actions, but did not take up the issue further.~~

Recommendations for possible actions to address this issue include: (1) KC DNRP, SKCPH, and DOH sit down routinely (quarterly; semi-annually) to discuss status of systems in King County, including compliance problems, public health problems, and discuss strategies to avoid failure of systems that could trigger receivership action being filed; (2) in the event a CWSP process is initiated, include receivership per 1995 legislation; (3) King County review the draft “Action Plan,” and consider updating and finalizing it; and (4) King County sit down with willing utilities and discuss entering into formal agreements with regard to failing systems.

The Committee supports the County in taking these actions, but did not take up the issue further.

- *In parentheses after the King County Draft Action Plan for Receivership under “Other Resources,” add the date of the plan and refer to an appendix where the plan can be found.*

Action Item: KCDNRP will add the final receivership document to Chapter 4 of the final report.

3. Discussion of Timely and Reasonable

- The Committee requested a few changes to “Elements for Inclusion in Utility Service Policies—Timely and Reasonable Service” and approved it, with these changes, as the final version to go into the Committee’s final report. Revised sections read as follows:
 - *Section A.1.d*—Satellite management of remote systems within the water service area may be a means of meeting timely and reasonable service under municipal water law depending on the established service policies

of the water system provided it can be done in compliance with applicable regulations.

- *Section A. I.e*—Utilities have limited or no control over processes/time/costs that relate to meeting regulatory requirements of other agencies (e.g., KC ROW permit requirements, or road construction standards). When addressing a utility’s potential customer’s appeal under the timely and reasonable requirements, the UTRC should look first at the application of the timely and reasonable program instituted by the MWS water utility and described in its WSP-water system plan. The UTRC should not base a timely and reasonable decision which is adverse to a water utility solely on items outside the control of the water utility unless the actions of the water utility have jeopardized the integrity of the permitting, regulatory, or environmental process or impacted the costs of these programs by the actions or proposed actions by the water utility.
- *Section B*—*The previously numbered items were put in narrative form before the meeting; the narrative text was further revised at the meeting to read as follows:*

There are several other factors that may have a bearing on whether water service delivery is timely and reasonable. The costs of extending water service compared to developing a new small water system can be significant. A direct comparison of costs may not be appropriate because there are direct benefits, such as fire flow, water quality testing, and better water resource management, when serviced by a larger water utility.

Current county policy has addressed the creation of new public water systems within utility service areas but has allowed the creation of individual wells provided that the lots meet public health standards for a well and septic. Individual well creation has occurred under King County Comprehensive plan policies (F227 and F229) and King County Board of Health Title 12 and Title 13. A future item which may be addressed by other groups is whether the construction of private individual wells for domestic water service should be made a part of the utility referral procedure on a King County level (as per adopted King County Coordinated Water System Plans).

Action Item: KCDNRP will add the final timely and reasonable document to Chapter 4 of the final report.

4. Update: Committee Final Report

- The Committee reviewed the status of final report elements that they received before the meeting:
 - Chapter 1—The Committee approved the revised Chapter 1 that was sent to the Committee before the meeting. The chapter is now considered final.
 - Chapter 2—KCDNRP revised the text and sent it to the Committee before the meeting. PHSKC and DOH said that they would like to make a few small changes to the chapter. DOH requested that maps be added to the chapter that show the water service areas and the allocation of small Group A and Group B systems in King County. Some committee

members requested that they have access to AutoCAD versions of the maps.

Action Items: *PHSKC and DOH will send the revised Chapter 2 to KCDNRP by June 13; KCDNRP will see that the requested maps are produced; KCDNRP will send the chapter to the Committee for review early in the week of June 18.*

- Chapter 3—The Committee deleted text regarding possible uses of dewatering wells. Members recommended that if maps are kept in the chapter (rather than referring to appendices), the maps should be explained.

Action Items: *(1) PHSKC will decide whether to add a table to the chapter that shows water usage data collected thus far and, by June 30, will provide the longer report (appendix) on their Ecology-funded work to the Committee for review; (2) On June 18, KCDNRP will send the appendix on KCDNRP Ecology-funded work to the Committee for review; (3) SPU will work with Ken Johnson of KCDNRP to clarify information shown on maps regarding wells in Seattle; (4) Cathie will get 11 by 17 maps from Ken Johnson and will get PHSKC maps from its report to Ecology.*

- Chapter 4—The Committee did not provide comments on the introduction to the chapter. Members prefer to review the whole chapter. The final timely and reasonable document and the final receivership document can now be added to the chapter. PHSKC and DOH are still working on the summary of Issues 4.1 and 4.2 (water quality and enforcement) that will go into the chapter and on the longer report that will go into an appendix. Introductions to each section need to be written.

Action Items: *(1) PHSKC and DOH will send the revised 4.2/4.2 summary and appendix to the Committee by June 21; the Committee will send comments to PHSKC and DOH by July 2; PHSKC and DOH will send revised documents to Cathie by July 9. (2) KCDNRP will write introductions to the sections.*

- Chapter 5—Whether to write this chapter and, if so, what to include in the chapter is still to be determined.
- One member suggested that all portions of the report that have been approved as final be sent in pdf format only.

Action Items: *In the second week in July, KCDNRP will send the revised report to the Committee, make appendices available for review (probably on an ftp site), and will ask Committee members to decide whether to hold the July 23 meeting or to complete the report via email.*

6. Confirm Next Steps

- The Committee will decide in mid July whether to meet on July 23.

Abbreviations: DOH—Washington State Department of Health, DNR—King County Department of Natural Resources and Parks, Ecology—Washington State Department of Ecology, PHSKC—Public Health—Seattle and King County, CWSP—Coordinated Water System Plan, MWL—Municipal Water Law, SPU—Seattle Public Utilities, WLRD—Water and Land Resources Division within King County DNR.