

Small Water Systems Technical Committee

9:30-12:30, December 11, 2006

Seattle KC Public Health Eastgate

Facilitator: Tamie Kellogg, Kellogg Consulting

Meeting Summary Notes

1. Introductions – Housekeeping

- The committee approved the revised summary notes for the October 30 meeting.
- The committee also approved, with some revisions, the draft summary notes for the November 29 meeting. Members expressed concern that because the November 29 notes are more substantive than previous meeting notes, the information may become part of the committee's report. Co-leads assured members that the notes would be used in the same way as previous notes—to document meeting discussions.
- Members who sit on other technical committees reported on recent activities of these committees. The Reclaimed Water Committee held its last meeting in December; a draft report is being circulated to members via email for review. The Tributary Streamflow Committee has also concluded. The Source Exchange committee has issued a request for proposals to do studies of the effects on streamflow of pausing small Group A production wells.
- A member who sits on the Coordinating Committee feels that Coordinating Committee meets too infrequently and is not performing its intended functions.

2. Workplan and Schedule

- In the absence of specific directions from the Coordinating Committee regarding its request for a progress report from the Small Water Systems (SWS) Committee, members agreed to submit a brief status report to the Coordinating Committee before the Coordinating Committee's next meeting, most likely in February. The report could be in the form of a letter from the co-chairs. The letter will document Committee progress through 2006 will and include the Committee's current plans for how it will proceed.

Action and Agenda Item for January 8 meeting: Small Water Systems Committee co-leads will draft a status report and distribute to members before the January 8 meeting.

- Members decided to meet once a month through April and then assess whether to continue meeting after April.¹ The co-leads said that they would check to see if the county can provide facilitation and staff time beyond April, but wanted to be clear that the intention had originally been to support the Committee only until the scheduled end of the Committee by December 2006, and that neither staff time nor other resources were available indefinitely.

¹ January 8, February 12, March 12, and April 23.

County staff reiterated the county's intention to formally initiate a planning process in 2007 under the Coordination Act with the Cascade Water Alliance, as endorsed by the King County Council in the November 13 ordinance approving Cascade's Transmission and Supply Plan. In response to some questions, county staff confirmed that the Council's November action was not considered a formal step required to initiate planning under the Coordination Act.

3. Committee Year-End Report

- The committee agreed that co-leads and staff should continue to prepare a report documenting the committee's work to date. A member recommended that the report include an overview of the process, prioritization of issues, Ecology work, and key topics addressed by the committee.

Action and Agenda Items for January 8 meeting: Co-Leads and staff will send a draft section of the report and a schedule for report production to members for discussion at the January 8 meeting.

4. Update: Subcommittee on Issues 4.1 (Quality) and 4.2 (Enforcement)

- The subcommittee to discuss Issues 4.1 and 4.2 has met twice. The subcommittee—composed of representatives from small water systems, PHSKC, DOH, and KCDNRP—is discussing water quality and enforcement issues for both small Group A and Group B systems.
- The subcommittee is working on an outline for its report. So far, topics include identifying current knowledge, problems, and possible solutions regarding the issues. An SWS Committee member recommended that the subcommittee scope include identification of problems and their scale, context (including regulatory authority), options, and recommendations.
- DOH said that for small Group A systems, the subcommittee will review previous committee handouts on number of systems, compliance status, and so forth, in addition to other DOH-provided detail on these systems.
- DOH also mentioned that it is in the process of developing and considering a proposal for the State Board of Health for changing the regulatory approach for Group B systems. The subcommittee will consider including recommendations for how King County should proceed with regard to this proposal

Action and Agenda Item for January 8 meeting: Subcommittee will distribute a draft report outline to the committee in time for discussion at the January 8 meeting.

5. Timely and Reasonable

- Members continued the presentations and discussion, started at the November 29 meeting, on utility perspectives regarding *Timely* and *Reasonable* (T&R).
 - King County has the statutory authority under state law to define *Timely*. Utilities would like to be involved or at least be provided the opportunity to share their views on how it should be defined.

- The Coordination Act originally used the words “timely and reasonable” without defining them. DOH also did not define them in state rules. In 1995, the 120-day deadline for providing service was added to the law, but left unclear how the 120 days are to be measured. DOH was also to develop guidelines for making these determinations, but has not yet done so.
- Section 8 of the Municipal Water Law of 2003 (MWL) states that municipal water suppliers have a duty to provide retail water service within their retail service areas if, among other things, service can be available in a timely and reasonable manner. The MWL does not define “timely and reasonable” for this purpose. DOH has indicated that provision of satellite management services would meet timely and reasonable.
- Customers do not expect water service immediately after they apply for it. Improvements that must be made to provide water service vary greatly depending on the circumstances. Potential customers do not necessarily sign service agreements immediately after receiving a response from the utility on water availability. It can take as long as a year, or longer. Financing tools, such as LIDs, can take a year or more to set up. Setting one “timely” standard for provision of service—in the sense of a fixed date or length of time—would not acknowledge this wide range of circumstances.
- Utilities suggest that King County could define *Timely* in terms of responding to service requests only—not in terms of provision of service. KCDNRP mentioned that in their opinion, although this would probably be useful, it would not meet the language of the law, since both the Coordination Act and the MWL refer to timely and reasonable in terms of the provision of water service.
- Because of the wide range of circumstances involved in providing service to new customers, *Reasonable* cannot be defined solely in terms of costs. It is important, however, and perhaps possible, to include within *Reasonable* a requirement that all service requests be treated fairly.
- Utilities could include policies in their water system plans that outline how they determined that they will provide service in a “timely and reasonable” manner. This may be done by documenting how a water utility met other requirements of the law, for example, special purpose districts setting general connection charges or other charges that must be “reasonable” under Title 57 RCW.
- DOH asked whether there is much public interest at the time of publication of water system plans, where potential customers of the utility could discuss the utility’s proposed approach to “timely and reasonable.” Utility representatives on the committee said that there is not much interest during the public process. People become interested only when they need service. There is also limited notification and distribution of water system plans. Existing customers are notified, but not all potential customers within the utility’s service area.

- The committee discussed the possibility of requiring new Group B systems in Group A retail service areas to set aside money for helping to pay for a new water main when the Group A system is ready to supply water to the area where the Group B is located.
 - The overwhelming majority of timely and reasonable appeals to King County are generated by small systems with five or fewer connections. Larger developments are sponsored by experienced people who know what is required to get water service and who generally want the higher level of water service.
 - Most plats have utility easements.
 - Group A systems may be willing to operate and, possibly, own new Group B systems in their service areas—but not to build them.
 - Some utilities would like the county to formulate land use policy that prohibits the drilling of exempt wells in places where utility service is available.
- The committee would like King County to define (with utility input) the elements that should be included in a utility’s response to requests for service. There may be models from other counties to look at (for example, Jefferson County).
 - The committee would like to work with the county on identifying topics that utilities should cover in their water service policies. KCDNRP believes that DOH should require that water system plans include a discussion of the utility’s understanding of timely and reasonable within the service policy and duty to serve components of the water system plan.
 - KCDNRP believes that the discussion of cost as part of a determination of *Reasonable* could be simplified if water system plans describe rates and connection charges, including how they are set and how they comply with regulations, and as long as the rates and charges are equitable. If there is such a discussion in the water system plan and the plan is approved by both King County and DOH, it could operate similar to a “rebuttable presumption” that the rates are reasonable.
 - Utilities want to ensure that they are allowed flexibility in making decisions and providing service. The committee agreed that the flexibility can be incorporated into utility policies.
 - DOH said that the water system plans must include policies for providing remote service.

Action Items for January 8 meeting:

- **By January 3**, members will send to the committee ideas on (1) elements that should be included in a utility’s response to requests for service (including estimates of how long it takes to perform certain tasks) and (2) elements that should be included in utility service delivery policies.
- DOH will try to send their ideas on the same topics sometime before January 3.

6. Next Meetings

- The Committee agreed to a monthly schedule of meetings through April 23. April 23 is currently targeted for completion of the Committee’s report; however, if the Committee agrees that it is making progress and has the time and resources available to continue meeting, it could schedule meetings after April. The following meeting dates are scheduled thus far:
 - January 8
 - February 12
 - March 12
 - April 23

Abbreviations: DOH—Washington State Department of Health, DNRP—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 DNRP.