

Small Water Systems Technical Committee

9:30-12:30, April 23, 2007

Seattle KC Public Health Eastgate

Facilitator: Tamie Kellogg, Kellogg Consulting Inc.

DRAFT Meeting Summary Notes

1. Introductions – Housekeeping

- The Committee approved the draft summary notes for the March 12, 2007 with edits by Sheri Miller and distributed by email on April 20, 2007.
- The committee discussed the DOE Grant funding deadline, noting they had been advised it was too late to submit additional proposals. However, the grant deadline is apparently still open, and the coordinating committee meets tomorrow. Bill Lasby advised he could put together the data base update proposal discussed and approved by the Small Systems Committee previously, and submit it by April 24th. There was consensus for Bill to proceed with drafting a summary proposal and submitting it.

2. Timely and Reasonable – Review of April 20, 2007 Draft

- Committee reviewed the draft Timely and Reasonable document dated April 20, 2007 along with the alternate purpose statement offered by Don Wright on same date.
- The alternate purpose statement offered by Don Wright was accepted as written to replace the draft purpose statement. The associated comments to the statement of purpose were removed to be addressed further by Dave Monthie, Sheri Miller and Larry Fay for clarification.
- Section A – Committee debated what was meant by the second sentence and resolved that the issue was addressed in the introduction so the sentence should be deleted.
- A.1. Basic Principles Items a thru c were accepted as written.
- The committee noted that item A.1.d did not address all of the alternatives situations where satellite management is required under the State and County law. Richard Rodriguez discussed the option of establishing satellite systems with a utility service area as a way of assuring service within the retail service area. Don Wright stated the goal was not to prohibit growth because a utility chose not to manage or operate a satellite system. Richard Rodriguez advised that if a utility declined to satellite manage, and a new water system is established, the area would be removed from the utility service area creating a “hole”. Don Wright stated a utility service area cannot be modified except by amendment of the utility’s Comp Plan. Richard Rodriguez advised that PH could withhold approval of a utility comp plan, and the goal was to avoid the conflict. Bill Lasby advised that PH was OK with the satellite management requirement in UGA or CARA areas noting he would need to secure the CARA map layer to track new systems. Utility representatives asked why the satellite issue should not be a priority within utility service areas County-wide. Dave Monthie advised that the GMA and KC Comp Plan require “urban service” (fire flow) inside the UGA. Water system

- comp plans need to include whether satellite system management is planned and how they will meet this requirement. Bill Lasby advised that private wells and Group B water systems are not allowed inside the UGA, except an exempt well may be allowed if no other service is available. After discussing the alternative language at length, the committee concluded there was too many alternatives to summarize and decided to delete the second sentence.
- Item A.1.e outlines the factors that affect utility service, and suggests that the time associated with resolving those factors should not be considered in a decision of timely and reasonableness. Factors discussed included an example of the excessive street overlay costs imposed by the City of Maple Valley to make a simple 1.5” service connection uneconomical. Dave Monthie’s comment that while utilities should not be penalized for time delays associated with factors beyond their control, the cost circumstance should still be considered. Don Wright stated that utilities felt they should not be penalized for either time or cost considerations outside of their control. Bill Lasby commented that an appellant’s legal right to challenge timely and reasonableness on the basis of cost could not be limited. Tamie Kellogg called for a time check and Bob Panacoast commented this is one of the products of value so worthy of the time necessary to resolve. It was suggested by Don Wright that the King County Council will make their assessment of the legal issue, so it was not necessary for the committee to resolve the issue. Dave Monthie said he assumed the King County Council would be interested in what the committee said. Ron Sheadel noted there were other factors they could be held accountable for, including timely communication, orderly paper work, and a current comprehensive plan, instead of cost factors beyond their control. It was observed that a meeting of the minds was necessary on this issue between utilities and the King County Utility Review Committee. Another example of costs beyond utility control was presented and discussed concerning the Sallal Water Assocaition. Two alternatives were summarized by Tamie Kellogg as ways to measure timely and reasonable – use a set time limit for response as one measure, or define the specific factors that should be considered in determining timely and reasonable. Dave Monthie noted the timely and reasonable document could not preclude consideration of time and cost in determining reasonableness of a service conditions. A break was called to caucus and discuss the alternatives. Following the break it was decided to select a fixed time approach to determining timely and reasonable response by a utility to an initial request for service. The length of time was debated and settled at 60 days. Dave Monthie, Ron Sheadel and Bill Lasby were to draft alternative language to replace the statement "time related to these factors outside a utilities control should not be considered within the context of timely and reasonable decisions."
 - Item 2.a was accepted with addition of the 60 day time period and deletion of the second sentence as it would conflict with the time limit established in item 1.e.
 - Item 2.f was accepted with a minor edits to clarify applicability to water utilities vs. supplies and affirm necessity for a map of the utility “retail” service area.
 - Item 2.c was accepted with clarification of punctuation.
 - Items 2.d and 2.e were accepted without edit.

- Item 2.f accepted with minor edit to note water system plan “should” include a finding...
- Item 2.g was accepted with minor edit to insert “plan” following water system. It was noted the intent of 2.g was to position the utility to make a reasonable fee decision as part of the water system plan.
- Second item 2.f was accepted as written and changed to item 2.h.
- Section B - the miscellaneous concerns were accepted in concept but rejected in their present format. Dave Monthie offered to work with Larry Fay to re-write the section in a paragraph format.
- Section C – this section is to be removed and addressed in the final report.

4. Committee Final Report

- Summary of Chapter 2 comments – Sheri Miller reported she had offered edits to move the details of the presentation summaries to the appendices along with the Ecology grant work summary. Dave Monthie commented that the edits were substantial and King County felt that the edits needed more work. Bill Lasby advised he was not comfortable with the language in the original summary and not sure if PHSKC concerns were completely addressed in the DOH revisions. Sheri Miller advised DOH wanted the summary to focus on what the committee heard, not how it was heard. Dave Monthie noted he was in agreement with the concept, and willing to do further editing.
- Determine what is in appendix and what is body of report – Sheri Miller suggested the report could end following the summary or the ecology report, or there could be a separate “Ecology Funded” chapter on the data. Maps and tables of the Group B water systems could be added and the legal summary could be deleted if there were no additional points. It was noted that the list of presentation should be checked to confirm if it was complete following August 8, 2006. She advised if any other presentations need summary, comment should be provided to her by email.
- Bill Lasby reported the DOE grant work is partially completed. The partial deliverable work is available from Ken Johnson and himself. Bill reported the 12-page report plus maps will be made available to all for review to decide where to place the information – appendices vs. document. He noted the data base and network will be done plus info on water use to date will be ready by end of the committee work. He stated the user defined form has been developed to collect and total all source data. After considering the report from Bill Lasby, the committee concluded the Ecology Funded data should be placed in the report in a separate chapter with a brief summary, maps with a legend, and explanation. Jim Nilson noted that the exempt wells reported in the City of Seattle are not in the City or its service area and needed to be corrected; he has already transmitted this to Ken Johnson.
- The revision to the 4.1 and 4.2 section in Chapter 3 as prepared by Sheri Miller was distributed at the meeting. Sheri directed the committee to focus on Section VIII issues for committee consideration and recommendation on page 4 noting Bill Lasby has not reviewed the document. Sheri advised she would send out the section and requested comments with a reply to all. She noted the summary will

address Group A and Group B and the full version of the report will go in the appendices.

- Process and schedule to complete the report. The next meeting will be May 14, 2007 so the goal will be to get a draft on Chapter 2 out by May 4th. Bill Lasby and Sheri Miller will try to complete the 4.1 and 4.2 pieces of the Chapter 3 summary by May 4th. It was noted that the report would shift to a new title from 4.1 and 4.2. Rewording of the timely and reasonable statement on time and costs outside utility control will be completed by Bill Lasby and Dave Monthie, with input from Ron Sheadel, by the end of the week of April 23rd. Bill Lasby will try to produce the new chapter on the Ecology funded work by May 4th. In summary the committee hopes to have a full draft report by the May 14th meeting that Cathie Scott can then finalize.

3. Receivership

- Dave Monthie directed the committee to the April 20th draft paper on receivership for their review. He noted that the basic approach – routine meetings between DOH and King County had already been discussed and agreed to by DOH. Bob Pancoast stated the background was OK, and requested addition of the 1994 Draft Receivership Action Plan (8 pages) for review. Sheri Miller suggested adding a recommendation to finalize the 1994 action plan so the County has a strategy to address receivership, or developing an alternative plan for receivership. The Seattle utility representative commented that given the low potential, he questioned what the County was trying to achieve. Dave Monthie advised that KC wants to avoid receivership ever being filed. Jim Nilson questioned what the receivership issue had to do with this committee: Tamie said it was being addressed because the committee voted to address the issue. Tamie noted a portion of a chapter has been dedicated to describe the problem, and noted the agreement to address the issue after the work on Group A and Group B water systems. Bill Lasby added if it was not a distraction, then why not addresses receivership. Don Wright said that because the receivership draft was sent on the Friday before the Monday meeting, it didn't allow enough time for members to read and be prepared for discussion, and documents to committee members need to be sent out with more than a day or two advance times. He went on to state if the receivership issue went into the report then it needed to have a full history and analysis including context, narrative, and the 1994 draft action plan in full in the appendices, and a summary in chapter 3 or 4. Walt Canter asked how the issue was being dealt with at the state level by DOH. Bill Lasby advised that King County needs to deal with the problem. Don Wright encouraged Dave Monthie and Bill Lasby to work together to revise the receivership white paper. Dave advised he would try to prepare a draft by May 9th for the May 14th Committee, and requested that committee members send him any other comments on context by email.

5. Committee end date

- Tamie Kellogg noted the goal is to have a full draft of the final report by May 14th. Bob Panacoast stated the committee should plan on a June 11th meeting and

set a July date if necessary. The committee discussed alternate dates in July and settled on Monday July 23rd for the optional meeting date. Don Wright stated the committee would need to meet longer if the documents were not out in a timely manner but he felt it was OK to try to finish by June 11th.

6. SWS report to the Coordinating Committee May 1st

- Dave Monthie advised he will provide a short status report on the work of the Small Water System Committee work to the Coordinating Committee, with the assistance of Bill Lasby, at the May 1st Coordinating Committee meeting.