

Small Water Systems Technical Committee

9:30-12:30, May 14, 2007

Seattle KC Public Health Eastgate

Facilitator: Tamie Kellogg, Kellogg Consulting Inc.

Meeting Summary Notes

1. Introductions – Housekeeping

- The Committee approved the March 12 meeting summary notes, with one correction.
- The Committee approved the draft April 23 meeting summary notes, with one addition.
- One member inquired as to the status of the Committee’s proposal to use part of the remaining Ecology grant money. PHSKC reported that Dan Silver had said that the Funding Committee was not considering new proposals, that it had received an alternative proposal for one that had already been submitted, and that the deadline for submitting new proposals (like the Small Systems proposal) had passed. The Funding Committee awarded \$25,000 to the Climate Change Committee and \$40,500 to the Demand Forecast Advisory Committee.

2. Report to the May 1 Coordinating Committee Meeting

- KCDNRP summarized the presentation made at the May 1 Coordinating Committee meeting on the progress of the Small Water Systems Committee. The KCDNRP representative told the Coordinating Committee that the current schedule called for Small Water System Committee meetings in May and June, and possibly July, by which time a report documenting the three priority issues would be completed. He expressed to the Coordinating Committee his personal opinion that the Small Water Systems Committee would not continue work beyond that date, but no formal decision had been made. One member noted that there was no discussion of “disbanding” the Small Systems Committee, which the Coordinating Committee had considered in October.

3. Discussion of “Timely and Reasonable”

- The committee continued its discussion of the draft Timely and Reasonable document. Comments and changes are as follows:
 - The revised introductory paragraph was accepted as written.
 - Changes made in Item A.1.e. were not accepted. This item should revert to the previous version until it is revised per the action item from the April 23 meeting.
 - The first sentence in Item A.2.a. will be changed to read “All utilities should be able to respond to requests for service within 60 days of receiving a fully completed service application or request.”
 - Extraneous apostrophes will be deleted from Item A.2.b.
 - PHSKC will propose new language in Item A.2.c. to address DOH input and comments.

- Item A.2.g. will be changed to read as follows: “The water system plan should include a description of the water system general facility charges or system development charges, and a description of the process used to review or establish the changes. The current general facility charges shall be provided to potential customers upon service application or request.”
- Item B will be rewritten in narrative format.
- All other changes were accepted.
- All changes will be made in the Word file in a format (such as italics, bold, bracketed) that will distinguish it from previous changes and will include the initials of the person making the changes.

Action Items for the June 11 meeting: (1) PHSKC and KCDNRP will revise Item A.1.e.; (2) PHSKC will revise Item A.2.c. and make other agreed-upon changes.

4. Discussion of Receivership

- KCDNRP provided background on the *King County Action Plan for the Receivership of Failed Public Water Systems* distributed electronically to the Committee before the meeting. As far as KCDNRP knows, this draft “Action Plan” was never formally adopted. It was originally produced in 1994, in response to systems proposed for receivership in 1993, and the 1998 update of the East King County CWSP recommended finalizing it. This version appears to be a later revised version. The Committee asked that “draft” be watermarked on to the document and an approximate date be added to the plan and then redistributed to the Committee.
- KCDNRP described revisions to the receivership document that were made to reflect Committee comments at the April 23 meeting.
- DOH gave a brief history of the outcome of the Rimrock receivership action in Snohomish County. Of the approximately 50 customers that were on the system, 30 drilled their own wells after learning of the \$2 million cost to become part of the Snohomish County PUD system. Under the management of the Snohomish County Public Works, the remaining 20 customers formed the Peoples Creek Water Association, which now owns and operates a DOH-approved system that draws water from one of the original wells. (The leaks in the well were repaired.) The health order that had been applied has been lifted. In the opinion of DOH, it was more of a problem of a “failing community” rather than a “failing system,” because the community itself needed to decide what it wanted to do. DOH will look for a written report on the outcome of the receivership and provide it to the Committee. DOH also pointed out how Covington Water District had become receiver of a failing system in the 1990s, was initially viewed as a hero, and then became unpopular as it tried to collect the money necessary for system improvements.
- One member asked about agreements between utilities and other counties in the state that enable the utilities to be named receiver of failing small water systems in their service areas. He felt that such agreements could be made in King County—that they do not need to be restricted to PUDs or to assuming ownership of the systems. Cedar River Water and Sewer District, for example, is planning on becoming a satellite manager. KCDNRP suggested that a

recommendation be added to the document that reads something like the following: “The county may discuss and/or contract with interested municipal entities regarding failing systems and receivership.”

- One member mentioned that some municipal utilities are considering reducing their service areas because of duty-to-serve considerations. PHSKC expressed concern about increasing the amount of land that is outside service areas.
- The Committee confirmed that once the Committee approves the final version, the receivership document will be the Committee’s product and will be included in the final report.
- One member suggested that language be added to state that King County will support utilities in getting low-interest loans or grants to help make improvements to serve small water systems in their service areas. DOH said that it is providing money through State Revolving Fund set-asides for utilities to prepare feasibility studies on providing support to small water systems, and that Covington Water District had done three such studies in King County. In addition, the most recent state budget has allocated \$2.7 million to the Water System Acquisition and Rehabilitation Program for use by eligible entities (“eligible entities” still needs to be defined).
- Committee members said that the receivership document should be written so that it can stand on its own and, to that end, suggested the following changes and additions:
 - Add introductory text per the suggestion provided by SPU via email.
 - Define “failing water system.”
 - Provide background on why systems fail. The causes are varied and complex. They are not just structural and financial. They also reflect “failing communities” and lack of policies and procedures. These systems should have written bylaws. Other factors, such as the need for certified operators, may also contribute to system failures.
 - Briefly describe DOH’s phased approach to compliance for troubled systems and then reference the appendix that contains the 4.1 and 4.2 (water quality and enforcement) report.
 - Document the differences between Group A and Group B systems in regard to regulation and receivership.
 - Discuss the role of key players.
 - Recommend memorandums of agreement between DOH and PHSKC regarding regulation and receivership.
- One member requested that the revised document be sent to the Committee two weeks prior to the meeting. KCDNRP noted the request.

Action Items for the June 11 meeting: (1) KCDNRP will make the suggested changes to the draft receivership action plan; (2) DOH will send the Committee a write-up of the Rimrock receivership process, if one is available; and (3) KCDNRP will revise the receivership document to incorporate Committee comments.

5. Update: Committee Final Report

- Cathie reviewed the status of report elements that was distributed to the Committee before the meeting:

- Chapter 1—The Committee had approved a revised version of the chapter. Since the approval, DOH provided additional comments. Cathie will add these comments.
- Chapter 2—KCDNRP is revising the text. Cathie is updating the table of handouts and presentations. A draft will be ready before the June 11 meeting.
- Chapter 3—Cathie moved descriptions of Ecology-funded work from Chapter 2 to this new chapter. KCDNRP is editing the summary of KCDNRP work; PHSKC will write a summary of their work. The chapter will be ready before the June 11 meeting.
- Chapter 4—The Committee is still working on the content for the three priority issues. Cathie will try to write introductions in time for review before the June meeting.
- The Committee offered some ideas for content of Chapter 5, such as discussing future linkage of Committee work to the Source Exchange Committee’s work, the role of the Committee’s work in overall water resource management, and future issues. Other members suggested that this chapter may not be necessary. The Committee agreed that King County could decide whether to include this chapter. If King County decides to include the chapter, then the Committee would need to review it.
- Appendices—PHSKC and DOH will complete their 4.1–4.2 (water quality and enforcement of small Group A and Group B systems) report. KCDNRP will edit and distribute the report on KCDNRP Ecology-funded work. Both reports will be distributed in time for Committee review before the June 11 meeting. Members would like to review other appendices, such as lists of Committee-generated lists of questions and issues. The Committee agreed that when they are final, the appendices will be distributed on a CD rather than printing hard copies.

Action Items for the June 11 meeting:

- ***KCDNRP—(1) Revise Chapter 2, (2) edit summary of KCDNRP Ecology-funded work in Chapter 3, and (3) edit full report of KCDNRP Ecology-funded work.***
- ***PHSKC—Write summary of their Ecology-funded work for inclusion in Chapter 3.***
- ***PHSKC and DOH—Complete the full report (appendix) and summary (Chapter 4) of discussion of water quality and enforcement of small water systems.***
- ***Cathie—(1) Revise Chapter 1, (2) update table in Chapter 2, and (3) try to complete introductions in Chapter 4.***

6. Confirm Next Steps

- The committee decided to meet on July 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.