

SPOKANE REGIONAL HEALTH DISTRICT
Interoffice Memorandum

TO: Liquid Waste and Land Use Staff

FROM: David C. Swink, R.S., Director, Environmental Health Division

DATE: January 21, 1999

SUBJECT: Procedural Implementation of Substitute HB 2929
Effective November 18, 1990 (Revised 1/25/93, 2/24/96, 1/21/99)

Subject legislation (also known as the Growth Management Bill), includes two sections that affect local health departments and their responses to jurisdictional building code departments and planning agencies as to the adequacy and potability of water supply for individual building permits and subdivisions.

Section 52 amends RCW 58.17.110, the subdivision law, to read that a proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that appropriate provisions are made for various public facilities, including potable water supplies.

The subdivision law includes subdivisions, short subdivisions, and binding site plans as defined in Chapter 58.17 RCW. For binding site plans, this procedure becomes effective as each lot is developed. For preliminary subdivision applications signed by the Health District prior to November 18, 1990, this procedure will not apply. However, if time extension for the subdivision application is requested to the planning agencies, then this procedure will apply.

I. Implementation Procedure for Section 52

A. For extensions of existing public water systems to preliminary subdivisions, Spokane Regional Health District (SRHD) will need (prior to verifying final plat approval) a written statement from the drinking water section of the State Department of Health (DOH) that the:

1. The water system extension to (plat/development name and location—section, township, range, and nearest 1/16 section) consisting of # of single-family lots as applicable, conforms to the Comprehensive Water System plan initially approved by the DOH on (date), which includes the area of the development as herein identified. All water quantity and quality testing as deemed necessary by the DOH have been performed and found to be adequate at this time for the development as identified.

OR

2. The new (or for the extension of a water system without a Comprehensive Water System Plan) public water system for (plat/development name and location—section, township, range, and nearest 1/16 section for the # of single-family lots as applicable and consisting of #of well(s)/water storage facilities/distribution piping network necessary to serve the development as identified herein) has been installed and is hereby approved by the Department of Health evidenced by the “as-built” plans and specifications developed by (engineer or person considered qualified by DOH to develop such as-built plans and specifications).

B. Subdivisions proposing use of individual private wells to serve single-family residences:

A private well is to be developed for each unimproved lot prior to the SRHD signing the final plat milar. The requirements for determining adequacy and potability shall be as specified in this document (Section IIB). Unimproved shall mean any property that has not established single-family residential usage.

OR

A report from a geohydrologist meeting the qualifications for a geohydrologist as outlined in the Department of Ecology job description for geohydrologist II may be substituted for the construction of wells on each lot. The geohydrologist must be prequalified by SRHD. The following must be addressed in the hydrogeological report:

1. The geological formation or formations which are adequate to provide potable water to include definition of the formations and general information and/or characteristics of the formation(s).
2. Well construction requirements to include minimum depth, casing requirements, and sealing requirements.
3. Information on at least one well representative of each geological formation providing potable water to the plat. This must include the following:
 - a. Bacteriological test results
 - b. Nitrate test results
 - c. Four (4)-hour pump test(s)
 - d. Well log analysis(es)

Bacteriological and nitrate test results on all existing wells within the boundary or the proposed plat must be provided.

4. A statement on the adequacy under present conditions in regards to sufficient recharge to this plat and the surrounding area on the same water bearing formation. This will be based on existing well logs and other information as required to make a determination of adequacy or recharge.

All information for the report is to be routed through the geohydrologist. SRHD will not be responsible for assembling the necessary information from multiple sources.

The geohydrologist will be required to sign a notarized statement that s/he is providing assurance, based on the attached hydrogeological report, of adequate water quantity and quality of water to provide potable water to the entire proposed plat. Water will be required on a lot prior to closing of a sale.

Appropriate fees are to be collected at the time of the preliminary plat submittal.

II. Implementation Procedure for Section 63

A. Section 63 has been amended to read:

"(1) Each applicant for a building permit of a building NECESSITATING potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the Department of Ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant for a water right shall not be sufficient proof of an adequate water supply.

(2) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirement of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of community development to mediate or, if necessary, make the determination. (This section does not apply in Spokane County as SHB 2929 is enforced throughout the county.)

(3) Buildings that do not need potable water facilities are exempt from the provisions of this section. The Department of Ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties."

To implement Section 63, Chapter 19.37 RCW of the State Building Code Act has been amended. The jurisdictional building code authority may request evidence of drinking water adequacy and potability from the local health authority prior to release of a building permit for any new construction on undeveloped properties which NECESSITATES an adequate, potable water source.

1. Check the regional DOH list of approved public water supply systems (greater than 10 services) and the DOH computer list of nonconforming public water systems (this specific list is not all-inclusive). If the water system is on the nonconforming list, the applicant will be informed by the building authority of the need to have the water purveyor obtain written approval from the regional DOH office. Applicant is to provide letter copy.
2. If the verification of the adequacy and potability of a public water system cannot be accomplished as stated in #1 above, then the applicant must provide the building authority with a letter from DOH. The applicant or the public water system may be required to submit water analyses results, well and system design, and construction information to DOH prior to the issuance of the letter. There may be a fee assessed for this service.

SRHD will not withhold the issuance of an on-site sewage permit or building code release if DOH approval is still pending with the building code authority on the public water system as part of SHB 2929.

B. Single-family homes with a proposed or existing private well:

1. The owner or authorized representative is to submit a property development plan (plot plan) showing the proposed or existing well site location along with a proposed sewage system location. A sewage application and a water supply application (see Attachment 1) are to be filled out by the applicant. Appropriate fees as set by the Board of Health are to be paid. If the applicant indicates the property has been previously developed for single-family residence (i.e., a mobile home), then this must be confirmed (i.e., approved sewage application, building permit issued).
2. SRHD is to conduct the routine preliminary site review for sewage and water facilities, including testholes. If a secondary sewage disposal site is necessary (the original site was not approvable by SRHD), the applicant will be instructed to provide on the latest

plan the well site as chosen by the well driller or the resident property owner.

3. The well is to be constructed by a licensed well driller or residing property owner in accordance with requirements of WAC 173-160. SRHD shall have on file from the DOE a list of licensed well drillers who have met the requirements of WAC 173-162 (well drillers' license requirements).
4. Following completion of the well, the licensed well driller or residing property owner shall provide to SRHD a well log complete with all pertinent information regarding the well.
5. A well driller or pump installer shall submit an SRHD form (see Attachment 2) specifying the well water production or pump test which has been conducted over a 4-hour time period.
 - a. The pump test shall be conducted in accordance with Attachment 2.
 - b. To be approved, the well must be able to product 1440 gallons in a 24-hour time period.

6. Following disinfection (see Attachment 3) of the well by the well driller, pump installer, or residing property owner, two water samples are to be collected by an SRHD approved¹ person or SRHD personnel, and submitted to a DOH/DOE approved/certified² laboratory to be analyzed for the presence of coliform bacteria and nitrates.

- a. If sample analysis for coliform and nitrates do not conform to drinking water standards specified in WAC ~~246-54~~ (zero total coliform), the property owner or property owner representative will be notified by SRHD to perform the following:

- 1) Resample (nitrate readings are averaged)
- 2) If two resamples to not show water quality conforms to WAC ~~246-54~~, SRHD will require the following:
~~246-290~~

- a) For coliform presence that exceeds the standard, an alternate water source should be provided or the water source is to be treated. A notice of such will be filed with the property information in the Spokane County Auditor's office (see Attachment 4a). Treatment shall consist of a permanent chlorinator (or other

¹ The sample collector shall possess an SRHD certificate of attendance at a water sample workshop. SRHD will maintain a list of those persons.

² SRHD will maintain a list of DOH/DOE approved/certified laboratories.

approved disinfecting device) being installed. A subsequent water sample is to be collected **ONLY BY SRHD PERSONNEL** for laboratory analysis. If a chlorinator is used, then the chlorine residual must be measured. A **SATISFACTORY SAMPLE MUST BE ATTAINED PRIOR TO OCCUPANCY.**

- b) For nitrate presence that exceeds the standard, a notice will be filed with the property information in the Spokane County Auditor's office (see Attachment 4b).

 - b. If the water source is developed within or adjacent to an area where there has been a history of groundwater contamination from an identifiable source or chemical, the water shall be analyzed for either the specific suspect inorganic or organic chemicals. These samples will be collected by SRHD personnel, but arrangements with an approved DOE certified laboratory must first be made by the applicant. The applicant will be responsible for the fees associated with the laboratory analyses. *(see attach 4c)*
 - c. In areas where an approved public water system is accessible to undeveloped lots, tracts, parcels, the District may require connection to the existing public water system if water samples taken from a private well or other source to not meet public drinking water standards.
7. Any property proposing the use of a river, lake, stream, or spring shall be required to obtain a water right permit from DOE. All water obtained from a river, lake, stream, or spring shall be filtered and treated or disinfected in accordance with WAC ~~246-54~~ ²⁴⁶⁻²⁹⁰ before said water can be considered potable.
8. Determination(s) by SRHD regarding the quality of the water source and building application conditional statements can be as follows:
- a. If the water source meets the bacteria and nitrate standards, then we do not need a water quality conditional release statement.
 - b. If the water source has an acceptable nitrate but not an acceptable coliform presence, then we can state on the application that the water source must have a chlorinator or other approved disinfection device installed and satisfactorily sampled PRIOR TO OCCUPANCY. The building authority will provide oversight to see that the applicant satisfies this condition and makes sampling arrangements

with SRHD. A property deed disclosure will be filed after a final satisfactory sample.

- c. If the water source has an unacceptable nitrate presence, then we can state on the application that the water source should be made acceptable for nitrates. A property deed disclosure will be filed after the release.
- d. If the water source is unacceptable for both coliform and nitrate presence, then we can state on the application both items b and c underlined above.

9. If the property owner desires at a later time to have the notice form of either bacteria or nitrate contamination removed from the property information at the Spokane County Auditor's office, he/she must provide satisfactory evidence that there is no longer contamination. This evidence must be provided in the following manner:

- a. For coliform contamination, a water sample shall be taken by an SRHD employee, with the chlorinator disconnected and no total chlorine present. If the sample is found to be absent of bacteria, the District shall remove the notice.
- b. For nitrate contamination, at least two water samples (one week apart) shall be taken by and SRHD employee, with the results being averaged. If the average is no greater than 10 milligrams/liter nitrate, the water supply is considered satisfactory and the District shall remove the notice.

