

# GRANT COUNTY

County Courthouse  
P.O. Box 37  
Ephrata, WA 98823  
(509) 754-6060



# HEALTH DISTRICT

1038 W. Ivy Avenue  
Moses Lake, WA 98837  
(509) 766-7960

## Ordinance 13 - 3

Rules and Regulations of the Grant County Health District Providing Amendments and Additions to WAC 246-291 Regarding Group B Water Systems.

WHEREAS, the Washington State Department of Health adopted WAC 246-291, rules governing Group B Water Systems; and

WHEREAS, WAC 246-291 allows the Board of Health to adopt rules under RCW 70.05.060 and RCW 70.46.060 to implement WAC 246-291 that are at least as stringent as WAC 246-291; and

WHEREAS, RCW 70.05.060 and RCW 70.46.060 directs the Board of Health to enact and enforce public health rules to preserve, promote and improve the public health in the incorporated and unincorporated areas of Grant County; and

WHEREAS, the Grant County Board of Health desires to review and oversee Group B water systems serving up to 9 connections; and

**IN ACCORDANCE WITH CHAPTER 70.05.060 RCW AND CHAPTER 246-291 WAC, IT IS HEREBY ORDAINED BY THE GRANT COUNTY BOARD OF HEALTH THAT BOARD OF HEALTH ORDINANCE 13-3 IS ADOPTED AS FOLLOWS:**

### Section 1. AUTHORITY

- (1) Pursuant to the authority of R.C.W. 70.05.060 (Powers and duties of local board of health.), these regulations are hereby established as minimum requirements of the Grant County Board of Health governing Group B public water systems.

## **Section 2. ADMINISTRATION**

- (1) Washington Administrative Code Chapter 246-291, governs Group B public water systems as now written or as it may be hereafter amended and this ordinance supplements those rules.
- (2) Where the provisions of Chapter 246-291 and the amendments of this ordinance conflict, the more strict regulations shall apply.
- (3) Where the provisions of any local, state, or federal regulation shall conflict with this ordinance, the more strict regulation shall apply, with the order of enforcement proceeding from federal, state, then GCHD.

## **Section 3. DEFINITIONS**

- (1) Board of Health – means the Grant County Board of Health
- (2) Department – means the Washington State Department of Health
- (3) GCHD – means Grant County Health District.
- (4) Group B water system – means a public water system constructed to serve less than fifteen residential services regardless of the number of people; or constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or any number of people for less than sixty days within a calendar year.
- (5) Health Officer – means the Health Officer of Grant County or an authorized representative.
- (6) Joint Plan of Responsibility (JPR) – means a written agreement between the Department and GCHD that:
  - (a) Lists the roles and responsibilities of the Department and Health Officer for reviewing and approving Group B system designs;
  - (b) Provides for a level of supervision necessary to effectively achieve the responsibilities in the JPR;
  - (c) Is signed by an authorized representative from the Department and GCHD; and
  - (d) Is reviewed at least once every five years and updated as needed.
- (7) Jurisdictional Group B Water System – means a Group B water system serving up to 9 connections that the Grant County Health District has jurisdiction for as outlined in a Joint Plan of Responsibility.
- (8) Potential GWI – means a source identified by the Department or GCHD as possibly under the direct influence of surface water including, but not limited to a:
  - (a) Well that has a screened interval fifty feet or less from the ground surface at the wellhead and is located within two hundred feet of a freshwater surface water body;
  - (b) Ranney well;
  - (c) Infiltration gallery; or
  - (d) Spring.
- (9) Satellite System Management Agency (SMA) – means a person or entity approved by the department in accordance with chapter 246-295 WAC to own or operate public water

systems on a regional or county-wide basis without the necessity for a physical connection between the systems.

#### **Section 4. APPLICABILITY**

- (1) These regulations apply to all jurisdictional Group B Water Systems.

#### **Section 5. REQUIREMENT FOR ENGINEERS FOR GROUP B WATER SYSTEMS**

- (1) The design report shall be prepared, sealed, and signed by a professional engineer who:
  - a. Is licensed in the state of Washington under chapter 18.43 RCW; and
  - b. Has specific expertise regarding design, operation, and maintenance of public water systems.
- (2) An exception to the professional engineer requirement is allowed for Group B systems that:
  - a. Do not use a variable speed pump;
  - b. Do not provide fire flow;
  - c. Does not require treatment to meet water quality standards;
  - d. Do not have special hydraulic considerations;
  - e. Do not have atmospheric storage in which the bottom elevation of the storage reservoir is below the ground surface;
  - f. Serves only single family residences, as defined in WAC 246-291-010(62); and
  - g. Serves no more than 4 connections.

#### **Section 6. DESIGN REQUIREMENTS FOR GROUP B WATER SYSTEMS**

- (1) Designs must be prepared in accordance with WAC 246-291.
- (2) Water systems shall not have any source that is a potential GWI.
- (3) Proposed water systems located within the Grant County Critical Water Supply Service Area (Quincy Groundwater sub-area and Warden) must comply with the Grant County Coordinated Water System Plan.
- (4) Proposed water systems within the Quincy Basin Sub-Area must comply with WAC 173-134A-120 (3).
- (5) Systems not able to meet WAC 246-291 standards may apply for a waiver per WAC 246-291-060.

#### **Section 7. PERMITS/FEES FOR GROUP B WATER SYSTEMS**

- (1) Systems granted a waiver must obtain an operating permit.
  - a. An operating permit fee shall be established by the current fee ordinance. Said permits shall expire on December 31 and shall be renewed each year.
  - b. Operating Permits for water systems approved with waivers shall be obtained by January 1. If the permit fee and application for the annual permit are received

after January 31 (must be received in the office by 5 pm, January 31) a fine equivalent to the amount of the permit will be levied and if received after February 28 (or 29) the water system shall be considered in violation of this ordinance.

- c. The system must update the Water Facilities Inventory form annually.
- d. The reason for the waiver and the conditions for granting the waiver must be recorded on the property title(s) that the water system serves.

### **Section 9. APPEALS**

Any person requesting appeal of an action by GCHD staff regarding the administration of these rules may appeal in writing to the Health Officer within ten (10) days of a written notice or directive of the District. If the written appeal does not provide sufficient evidence for the Health Officer to change the GCHD staff decision:

- (1) Within 30 days after receipt of an appeal, the Health Officer may conduct an administrative hearing on the disputed manner.
  - a. The hearing may include taking evidence oral and written from GCHD staff, the party aggrieved, and witnesses.
  - b. A decision will be given in writing to the person or party making the appeal.
- (2) Following a written request to the Health Officer, within ten (10) days of the Health Officer's written decision, any person not satisfied with the Health Officer's decision or the results of the administrative hearing shall make a written request for a meeting with the Grant County Board of Health.
  - a. The appellant will be provided the opportunity to address the Board of Health at the next regularly scheduled meeting.
  - b. The matter under appeal will be decided by a majority vote of the Board of Health.

Pending hearings or appeals shall not stay the orders of the Regulatory Authority.

### **Section 9. PENALTY**

Any person failing to comply with any of the terms of this Ordinance shall be in violation of this Ordinance. GCHD may proceed to commence a civil action to recover a penalty of \$500.00 for each violation of this Ordinance. Each day a continuing violation exists shall be considered a separate violation.

### **Section 10. SEVERABILITY**

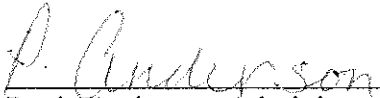
If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid, the invalidity thereof shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance.

**Section 12. EFFECTIVE DATE**

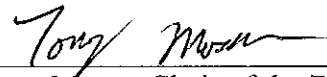
10.1 This ordinance shall take effect on January 1, 2014 after its passage, approval and execution.

PASSED by the Grant County Board of Health and signed by its Chair this 11<sup>th</sup> day of December 2013.

ATTEST:

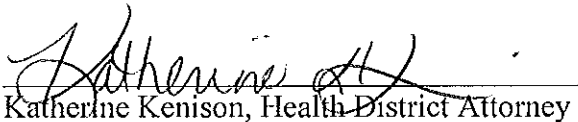


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Pattie Anderson, Administrative Services Manager  
Clerk of the Board



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Tony Massa, Chair of the Board

Approved as to form:



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Katherine Kenison, Health District Attorney