


DIVISION OF DRINKING WATER
POLICY/PROCEDURE

Title:	"Purchasing Systems"	A. 06
References:	WAC 246-294-020	
Contact:	Alan Rowe	
Effective Date:	9/12/94	
Supersedes:	N/A	
Approved:		Director, Division of Drinking Water

BACKGROUND:

State Board of Health (SBOH) Drinking Water Regulations define "**Public Water System**", and identify which public water systems are regulated. The definition and its applicability are consistent with the federal Safe Drinking Water Act. However, it is unclear how this definition applies to entities which obtain all their water from, but are not owned by, an approved public water system (hereafter called "**Purchasing Systems**"). This lack of clarity has led to inconsistencies between the three DOH Regional Offices (ROs).

While EPA and other states generally ignore this issue, some direction is provided in the definition itself. The Safe Drinking Water Act and SBOH regulations do **NOT** apply to a purchasing system that:

1. Does not have source or treatment facilities,
2. Is not a passenger-conveying carrier in interstate commerce, and
3. Does not sell water directly to any one person.

Based on DOH input, the SBOH has concluded that there is no documented evidence of a significant public health threat from purchasing systems which meet these criteria, and therefore it is not economically feasible to regulate them unless specific problems can be documented on a case-by-case basis. Their intent is to reduce the total number of systems regulated, allowing increased opportunity for existing staff to focus on concerns of greater health significance.

PURPOSE:

The purpose of this policy is to provide direction to RO staff on when to regulate purchasing systems as separate public water systems, thereby promoting consistent and uniform application of which public water systems are regulated.

POLICY:

SBOH Drinking Water Regulations **SHALL NOT** apply to purchasing systems which meet **ALL** the criteria identified in WAC 246-290-020 and WAC 246-291-020 **UNLESS** regulation as a public water system is necessary to resolve an existing or suspected public health threat (See WAC 246-290-020(3) and WAC 246-291-020(2)). Following is guidance addressing each of the WAC criteria:

1. **Does not have source or treatment facilities.** Source includes any supply of water physically connected to or utilized by the purchasing system, other than through its connection with an approved public water system. Treatment shall include any process utilized to change the quality of the water supply after the point of purchase. Filtration, disinfection, corrosion control, chemical addition, ion exchange and oxidation processes are all examples of "treatment"; and
2. **Is not a passenger-conveying carrier in interstate commerce.** Passenger-conveying carriers in interstate commerce include vehicles that are in the business of transporting people across state boundaries, such as ferries, cruise ships, trains, airplanes and buses. International carriers, such as the Port Angeles/Victoria ferry, do not qualify as interstate carriers; and
3. **Does not sell water directly to any one person.** Sell means to bill separately for drinking water or to include drinking water as part of an itemized listing in a bill delivered to customers, where the amount billed is an increase over what the purveyor pays for water. This criterion would exempt mobile home parks, apartments, condominiums, shopping malls, commercial offices and similar entities. Public entities (such as water districts and PUDs), systems which convey water for profit or as a business, and other entities such as cooperatives, mutuals or associations would NOT be exempted. The presence of centralized source or individual service meters does not affect whether the water is being sold.

If a purchasing system meets **ALL THREE** of the above criteria, it shall be deregulated unless or until **ANY** of the following public health criteria apply:

1. DOH has documented evidence, or believes in its best judgement that there is a water quality, quantity or reliability problem related to facilities within the purchasing system; or

2. DOH has received five or more specific complaints about drinking water quality, quantity or reliability from different customers of the purchasing system in any twelve month period and those complaints, in the judgement of DOH, involve an existing or potential threat to public health and are not satisfactorily addressed in a reasonable period of time. The complaints may be individually received or may be registered by a petition signed by five or more customers; or
3. Water quality problems experienced by the public water system providing water to the purchasing system are believed, in the judgement of DOH, to be due to circumstances within the purchasing system; or
4. The purchasing system fails to meet any of the three criteria previously listed.

IMPLEMENTATION

Any owner who believes their system meets the deregulation criteria listed in this policy may send a letter to the appropriate RO requesting inactive status, and including justification for deregulation. If the RO concurs, the purchasing system shall be re-designated "inactive" and a copy of their updated WFI shall be sent to the purchasing system owner. If the RO does NOT concur, the RO shall mail the system owner a letter containing the reasons for not concurring, and instructions on how he or she may appeal the decision. ROs shall maintain current WFI data for all purchasing systems which have been inactivated.

For new or newly constructed purchasing systems, the same procedure shall apply, except the RO shall make an initial determination whether it meets all the criteria for deregulation. If it does, ROs shall secure a WFI and list the system as "inactive". **Note:** Newly constructed purchasing systems are subject to Uniform Plumbing Code requirements as identified by Chapters 51-26 and 51-27 WAC. Of particular interest is Chapter 1 (definitions), Chapter 10 (water distribution), Appendix E (mobile home parks) and the IAPMO Installation Standards. Counties and cities are responsible for implementing these Uniform Plumbing Code requirements.

The RO Section Head shall make the decision to activate purchasing systems when he or she determines the system no longer meets any of the deregulation criteria listed in WAC and this policy. No prior notice or waiting period is necessary. The determination shall be clearly documented, sent to the purchasing system owner, and placed in the system file. A system which has been activated shall remain active until such time as the RO Section Head judges that the system meets all criteria for deregulation and has satisfactorily addressed portions of the SBOH Drinking Water Regulations necessary to resolve the public health threat which caused the system to become activated.