

## Fact Sheet

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# Office of Drinking Water authority over operators and water systems

The Department of Health Office of Drinking Water (ODW) is responsible for ensuring that public water systems provide their customers an adequate and safe drinking water supply at all times. When necessary, we act or direct water system owners and operators to resolve known or suspected public health threats. Our authority comes from the:

- Federal Safe Drinking Water Act (SDWA)
- Code of Federal Regulations (CFR)
- Washington State laws (Revised Code of Washington (RCW))
- Department of Health rules (Washington Administrative Code (WAC))

### Overall authority

Federal regulations establish primary drinking water requirements for Group A public water systems (40 CFR 141.1). The U.S. Environmental Protection Agency (EPA) delegated primary authority to administer and enforce these regulations to ODW (SDWA Public Law 93-523).

We also administer state Board of Health and Department of Health rules that cover the operation of public water systems. We have authority to adopt rules necessary to protect public health by ensuring safe and reliable drinking water (RCW 43.20.050(2)). The rules set drinking water standards and requirements for monitoring, reporting, responding to emergencies, and so on.

### Enforcement

To protect public health, we enforce laws and State Board of Health rules and orders (RCW 43.70.130). When a water system does not comply with a public water system law or rule, we may take appropriate enforcement action (WAC 246-290-050).

All water systems must meet minimum monitoring requirements (chapter 246-290 WAC). We may require additional monitoring when contamination is present or suspected in the water system (WAC 246-290-300(1)). If we believe conditions threaten public health, including contaminated water supplies, we can investigate and access facilities (RCW 43.70.170). We can also direct water systems to take specific steps when coliform is detected in any sample (WAC 246-290-320(1)).

The presence of coliform bacteria means possible contamination and requires follow-up action (WAC 246-290-320 and 40 CFR 141 Subpart Y). If a routine or repeat coliform sample is total coliform positive, we require the system to have the total coliform-positive culture medium analyzed to determine if *E.coli* are present (WAC 246-290 300 and 40 CFR 141 Subpart Y).

State and federal regulations require water systems to deliver a public notice to their customers within 24 hours after a water quality analysis shows the presence of acute contamination or any other situation that could lead to an acute health concern (WAC 246-290-71001 and 40 CFR 141.201 and 141.202(a)). Water systems must initiate consultation with ODW within 24 hours after learning of the violation to determine if we will require additional follow-up action.

Water systems must take the follow-up actions ODW determines appropriate (WAC 246-290-320(1)). Water systems must contact us when they:

- Violate the *E. coli* maximum contaminant level (MCL) when *E. coli* are present in the water distribution system.
- Fail to test for *E. coli* when any repeat sample tests positive for coliform.
- Violate the MCL for nitrate, nitrite, or total nitrate and nitrite.
- Fail to take a confirmation sample within 24 hours after receiving the first sample showing they exceeded the nitrate, nitrite, or total nitrate and nitrite MCL.
- Have a maximum residual disinfectant level (MRDL) violation or exceedance.
- Have a turbidity MCL or treatment technique violation.
- Have a waterborne disease outbreak or other waterborne emergency.
- Detect *E. coli* or coliphage in source water samples.
- Have other violations or situations ODW determines to have serious adverse effects on human health because of short-term exposure.

If we determine there is significant potential for a situation to cause serious adverse effects on human health because of short-term exposure, we may require the water system to issue a health advisory (40 CFR 141.202(a) Table 1(9)). Systems must include specific health effects language in required public notice (WAC 246-290-72012 and 40 CFR 141.205(d)(2) and (3)).