

Summary of Final Rule Changes

Group B Public Water Supplies – Chapter 246-291 WAC

Background

Washingtonians receive water from one of three sources:

- Group A public water systems
- Group B public water systems
- Private water systems

Currently about 111,000 people (two percent of the state’s population) get their water from about 13,100 Group B systems.

Group B systems typically serve:

- Small subdivisions
- Home-based businesses
- Campgrounds
- Community facilities
- Churches

The Department of Health (department) shares regulatory responsibility of Group B systems with Local Health

Jurisdictions (LHJs). An agreement called a “Joint Plan of Responsibility” lays out the roles and responsibilities between the LHJ and the department. In some counties, the LHJ has primary oversight responsibility; in others, the department retains primary oversight responsibility. See the map on Page 6 that shows the current Group B oversight status.

Legislative Change – New Direction for Rule

The State Board of Health (board) was working on the rule revision when, in 2009, the Governor and the Legislature set a new direction for regulating Group B systems. The Governor and Legislature eliminated funding for Group B oversight and passed [Substitute Senate Bill \(SSB\) 6171](#). The change in the law recognized the challenge in regulating the large number of Group B systems in Washington.

SSB 6171 directed the board to adopt the following into rule:

- At a minimum, rules must address the initial design and construction of a Group B water system. This change allows the board to adopt rules that have no ongoing requirements after initial approval of the system.
- LHJs can set requirements that are more stringent than state rules.
- The rules may eliminate some or all regulatory requirements for Group B systems serving fewer than five connections.

Water System Definitions

Group A systems are defined in RCW 70.119A.020 as a public water system providing water to at least 15 service connections, 25 people per day for at least 60 days per year, or 1,000 or more people on two consecutive days.

Group B systems are defined in RCW 70.119A.020 as a public water system that is not a Group A system. This is further defined in WAC 246-291-020.

A private or “individual” water system does not meet the definition of a public water system under RCW 70.119A.020.

Rule Proposal

At the request of the board, the department worked with stakeholders and local health partners to develop a draft Group B rule. Public workshops were held in fall of 2010 to get input on the draft rule. The board considered all comments from the public workshops and made additional changes. On **October 10, 2012**, the board held a public hearing on the proposed rule changes for the Group B rule.

Rule Adoption

After the public hearing, the board adopted the proposed rule changes. The rule goes into effect on **January 1, 2014**. The final rule changes are summarized as follows.

Summary of Changes

Section Number	Section Title	Changes
001	Purpose and scope	<ul style="list-style-type: none"> Clarifies the existing purpose and scope of the rule
NEW 005	Applicability	<ul style="list-style-type: none"> Previously in Section 020 Defines a Group B system, consistent with state law Exempts one- and two-connection systems from all requirements, except when the department determines requirements are necessary to protect public health and safety Requires new or expanding Group B systems designed to serve between ten and 14 service connections to meet planning, engineering and design requirements of the Group A rule
010	Definitions, abbreviations and acronyms	<ul style="list-style-type: none"> Adds numerous definitions, abbreviations, and acronyms Integrates abbreviations and acronyms into numbered definitions in alphabetic order
REPEALED 020	Applicability	<ul style="list-style-type: none"> Section repealed and requirements included into Section 005
025	Bottled water and ice making facilities	<ul style="list-style-type: none"> Requires ice manufacturers to comply with chapter 246-290 WAC (Group A Public Water Systems) to align with existing Department of Agriculture rules
030	General administration	<ul style="list-style-type: none"> Specifies that LHJs can adopt more stringent regulations than minimum state standards, and provides examples of the types of requirements that LHJs can adopt
REPEALED 040	Requirements for engineers	<ul style="list-style-type: none"> Section repealed and requirements included in Section 120

Section Number	Section Title	Changes
050	Enforcement	<ul style="list-style-type: none"> • Clarifies enforcement procedures and intent by referencing statutory authorities
060	Waivers	<ul style="list-style-type: none"> • Specifies the local health officer or local board of health has authority to grant waivers, and establishes conditions for issuing waivers • Waivers cannot be granted for the resident population standard for new and expanding system designs (WAC 246-291-200)
NEW 090	Public Water System Coordination Act and satellite management	<ul style="list-style-type: none"> • New section includes requirements previously in Section 140 • Makes editorial changes and clarifications that do not change the existing requirements
REPEALED 100	Ground water source approval and protection	<ul style="list-style-type: none"> • Section repealed and requirements included in Section 125
REPEALED 110	Surface water and GWI source approval and protection	<ul style="list-style-type: none"> • Surface water and groundwater under the influence of surface water (GWI) sources are no longer approvable for new or expanding systems
120	Design report approval	<ul style="list-style-type: none"> • Eliminates planning or design report requirements for existing systems that are not expanding • Clarifies that all system designs submitted to the department for approval must be designed by a professional engineer • LHJs may adopt local rules that exempt the professional engineer submittal requirement
NEW 125	Groundwater source approval	<ul style="list-style-type: none"> • Requires new or expanding systems to use a groundwater source from a properly constructed drilled well and that meets the minimum supply requirements • Potential GWI sources for a new or expanding Group B system must be evaluated before system approval to determine whether the source is or is not GWI
REPEALED 130	Existing system approval	<ul style="list-style-type: none"> • Standards for existing systems that may not meet all requirements of this rule are included in Section 280
NEW 135	Interties	<ul style="list-style-type: none"> • Establishes standards for new and expanding systems using interties

Section Number	Section Title	Changes
140	Water system planning and disclosure requirements	<ul style="list-style-type: none"> • Clarifies planning requirements • Requires purveyors to submit disclosure language to the department for review and approval as a part of the system design submittal • Requires purveyors to record the approved disclosure language on the property title for all properties to be served by the system
NEW 170	Water quality requirements for groundwater source approval	<ul style="list-style-type: none"> • Includes water quality requirements from several sections that apply to the design and approval of a new or expanding system • Eliminates the requirement to sample for nickel • Changes the standard for arsenic from 50 micrograms per liter to 10 micrograms per liter for new and expanding systems • Requires purveyors to submit two coliform samples for a new or expanding system design approval • Sources for new and expanding systems cannot rely on treatment to meet primary drinking water standards
200	Design standards	<ul style="list-style-type: none"> • Sets a minimum residential population standard of 2.5 persons per household to be used in the design of new or expanding systems • Establishes a minimum water supply design requirement to be used in the design of new or expanding systems • Updates technical references for design standards
NEW 205	Drinking water materials and additives	<ul style="list-style-type: none"> • Includes requirements from other sections related to materials and additives • Reduces the lead content in pipes and fittings from 8 percent to twenty-five one-hundredths of one percent and two-tenths of one percent in solder and flux • Includes minor editorial changes
210	Distribution systems	<ul style="list-style-type: none"> • Sets new requirements for storage reservoirs that previously had been recommended in the system design guidelines
220	Group B system disinfection	<ul style="list-style-type: none"> • Includes minor editorial changes and updates to specific American Water Works Association disinfection procedures
REPEALED 230	Treatment design and operations	<ul style="list-style-type: none"> • Sources requiring treatment for primary contaminants are no longer approvable for new or expanding systems

Section Number	Section Title	Changes
REPEALED 240	Reliability	<ul style="list-style-type: none"> Requirements are included in Section 140
250	Continuity of service	<ul style="list-style-type: none"> Simplifies the process for transferring ownership by eliminating some requirements
REPEALED 260	Recordkeeping and reporting	<ul style="list-style-type: none"> Eliminates recordkeeping requirements because of elimination of regular ongoing water quality monitoring requirements
REPEALED 270	Cross-connection control	<ul style="list-style-type: none"> Design and planning-related requirements have been included in Section 200
NEW 280	Existing Group B systems	<ul style="list-style-type: none"> Establishes standards for an existing system to be determined to be adequate by local permitting authorities
300	General requirements	<ul style="list-style-type: none"> Clarifies general requirements that apply to all new, existing, and expanding systems
REPEALED 310	General follow-up	<ul style="list-style-type: none"> Eliminated requirements
REPEALED 320	Bacteriological	<ul style="list-style-type: none"> Eliminates annual coliform monitoring requirement Requirements that apply to new or expanding system approval have been included in Section 170
REPEALED 330	Inorganic chemical and physical	<ul style="list-style-type: none"> Eliminates once every three years nitrate monitoring requirement Requirements that apply to new or expanding system approval have been incorporated into Section 170
REPEALED 340	Turbidity	<ul style="list-style-type: none"> Surface water and groundwater under the influence of surface water (GWI) sources are no longer approvable for new or expanding systems
REPEALED 350	Other substances	<ul style="list-style-type: none"> Requirements that apply to new or expanding system approval have been included in Section 170
360	Public notification	<ul style="list-style-type: none"> Requires purveyors to notify consumers served by the system within 24 hours if a sample contains <i>E. coli</i> or has a nitrate level greater than 10 milligrams per liter Requires purveyors to notify consumers served by the system within 30 days if the system has an arsenic level greater than 10 milligrams per liter Updates required notification language

Washington State Local Health Jurisdictions

Group B Water System Programs

