



To Protect and Promote the Health and the Environment of the People of Kittitas County

GROUP B SANITARY SURVEY PROGRAM

ROUTINE INSPECTION PROGRAM, DOCUMENTATION, COMPLAINT INVESTIGATION, AND ENFORCEMENT

POLICY AND PROCEDURE

Purpose

This policy is written to establish guidelines and procedures for ensuring that Group B Public Water Systems in Kittitas County are in compliance with local and state regulations. This policy provides Kittitas County Public Health Department (KCPHD) staff with guidance protocol on how to conduct routine compliance inspections, maintain documentation, respond to and investigate public complaints, and enforcement procedures.

The Joint Plan of Responsibility Interagency Agreement with the Department of Health provides KCPHD with the authority to permit, inspect, and approve Group B Public Water Systems from 3-9 connections. WAC 246-291 and Kittitas County Code (KCC) Title 13, requires design standards, sanitary control areas, testing, water quality standards, and monitoring for Group B Public Water Systems. RCW 70.05.070 authorizes the local Health Officer to prevent, control, and abate nuisances which are detrimental to public health.

Policy

KCPHD has the discretion to permit, inspect, investigate, and respond to all complaints related to Group B Public Water Systems. By conducting a routine inspection once every five (5) years, KCPHD will be able to better ensure compliance with WAC 246-291 and KCC Title 13 Water and Sewers. This policy provides guidance for complaint investigations and enforcement procedures which will utilize KCC Title 18, Chapter 18.02.030 and outlines that KCPHD will respond to complaints within 14 business days. Creditable complaints will be investigated and documented using the Group B Sanitary Survey Inspection Form (see Appendix A). If a water system is found to be out of compliance at any time a series of increasingly stringent enforcement procedures and penalties apply, as described within this policy and KCC. This may be enforced by the Health Officer under the authority of RCW 70.05.060. Any water system that demonstrates either major or minor deficiencies at any time is required to make the necessary corrections within the stated time period determined by this policy. Any water system that proves to be non-compliant with the request made by KCPHD will be subject to the penalties outlined here and possible further legal action by the Kittitas County Prosecutors Office (KCPO).



507 N. Nanum St. Suite 102 · Ellensburg, WA 98926

T: 509.962.7515 · F: 509.962.7581

www.co.kittitas.wa.us/health/

Procedure

Routine Inspection:

- Group B Public Water Systems shall be inspected on a routine basis at least once every five (5) years.
- An official notification of inspection shall be sent to the water system requiring routine inspection by January 31st of every calendar year.
- KCPHD staff will contact the designated water system purveyor or property owner at least two (2) weeks prior to the anticipated date of inspection to schedule a convenient date and time that works for all parties involved.
- A Group B Sanitary Survey Inspection Form (Appendix A) shall be used for documentation purposes including documentation of the date, time, and location of the inspection, and will identify any major and minor deficiencies needing correction.
- If water system deficiencies are witnessed by KCPHD staff they shall perform the actions necessary according to the follow-up and enforcement progression protocol procedures in this policy. KCPHD staff shall explain the timeline for correcting any deficiencies and attempt to acquire a signature on the inspection form from the contact person before leaving the site.
- Upon returning to the office, KCPHD staff shall update the drinking water tracking database with case actions if deficiencies were found along with timelines for correction.
- All attempts to contact the water system shall be documented in response to scheduling a routine or re-inspection. Non-compliance by a water system to schedule an inspection with KCPHD when requested shall be handled by contacting the KCPO for advice on how to proceed.
- If KCPHD staff should feel uncomfortable or threatened in any way they shall notify the water system contact person that they are leaving the site and notify their supervisor immediately.

Public complaint response:

- If a complaint that is considered to be credible is received from a member of the public or property owner with an interest in the well or persons being served by the well it shall be entered into the drinking water tracking database and investigated.
- An official notification of complaint letter shall be sent to the water system contact person via certified mail with return receipt within 14 business days to acknowledge the complaint and document KCPHD's efforts to investigate the complaint.
- An inspection of the water system which was the source of the complaint shall be conducted by public health personnel as soon as possible, but at least within 14 business days of the certified mail return receipt being returned to KCPHD.

- KCPHD staff shall attempt to contact the water system contact person by phone after the certified mail return receipt has been returned to KCPHD to schedule a convenient date and time that works for all parties involved.
- All attempts to contact the water system shall be documented in response to the complaint. Non-compliance by a water system to contact KCPHD to schedule a site visit will be handled by contacting the KCPO for advice on how to proceed with responding to the complaint.

Emergency response:

- Nothing in this policy shall be construed to circumscribe the authority and power of the Health Officer or their representative to act in an emergency situation to control and prevent any health hazard or nuisance which immediately threatens the public health of the inhabitants of the county, visitors, and its municipalities which power and authority is governed by state law.

Follow-up progression

Routine Inspection:

- If water system deficiencies are witnessed by KCPHD staff, then staff shall explain the timeline for correcting any deficiencies and attempt to acquire a signature on the inspection form from the contact person before leaving. KCPHD staff shall explain that follow-up notices and enforcement may apply if the noted deficiencies are not corrected within the given timeframes.
- Upon arrival back at the office and within 5 business days KCPHD staff shall re-confirm to the water system the outstanding violation(s), options for deadline extensions, and enforcement procedures in writing via certified mail with return receipt. The notice shall state that deadline timeframes began the date of first observation and inspection by KCPHD.

Major Deficiencies:

- Major deficiencies as identified on Group B Sanitary Survey Inspection Form (Appendix A) shall be corrected within 30 days of inspection, with the possibility of a single one-time conditional extension to be granted according to the procedures in this policy. Major deficiency corrections will be subject to a re-inspection fee and will be visually verified by KCPHD staff. If the correction does not meet the required standard then another re-inspection visit must be made to confirm the correction has been completed and meets all local, state, and federal guidelines.
- The cost of a re-inspection is subject to the most recently approved Board of Health Fee Schedule and shall be paid prior to KCPHD staff performing the site visit.

Minor Deficiencies:

- Minor deficiencies as identified on Group B Sanitary Survey Inspection Form (Appendix A) shall be corrected within 90 days of inspection, with the possibility of a single one-time conditional extension to be granted according to the procedures in this policy. Minor deficiency corrections will not be subject to a re-inspection fee or visit, unless the Health Officer or their representative in their discretion determines that a re-inspection in the form of a site visit must be conducted to visually confirm the necessary corrections. Otherwise, compliance confirmation can be achieved by KCPHD staff and the water system through a variety of methods which can include submittal of proper documentation, date stamped photographs, declarations, etc.

Conditional Extension:

- A single one-time deadline extension may be granted for a maximum period of 30 days beyond the original deadline. A single one-time seasonal request for deadline extension may be granted if the deadline is after October 31st and before April 1st of any calendar year, however in any case all corrections must be made prior to May 31th. All request for extensions must be approved by KCPHD and made in written three (3) business days before 5:00 PM of the required deadline date and must include a plan for correction. If a submitted plan for correction is deficient in any manner and the deadline has since expired, KCPHD shall deny the request for deadline extension and the originally established deadline for correction shall apply.
- KCPHD will encourage water systems applying for a deadline extension to apply well in advance of a deadline to ensure KCPHD can review and approve the request without deficiencies.

Notice of Failure to Comply:

- If the water system fails to correct the required deficiencies by the specified date or did not obtain an approved deadline extension from KCPHD, staff shall contact the water system in writing via certified mail with return receipt to notify the water system. Such notice shall inform the water system that the deficiency violation has existed since the inspection date, that it requires correction, and remains to be an outstanding violation and may be subject to further enforcement actions if not corrected. The notice shall also inform the water system that new connections cannot be added to the water system until the violation has been corrected.
- A notice of failure to comply letter shall provide the water system with 30 additional days to correct the deficiency with no option for deadline extension and shall inform the water system that the next enforcement action is either a Notice of Violation and Abatement (NOVA) Order or an Infraction Notice, which accompanies a monetary penalty.

Penalty/Enforcement progression

Notice of Violation and Abatement (NOVA) Order / Infraction Notice:

- If the water system has failed to correct the required deficiencies within the outlined timeframe, staff shall contact the water system in writing via certified mail with return receipt to issue a NOVA Order or Infraction Notice which assesses an appropriate fine according to KCC Title 18. If the penalty is not paid within 30 days of the issuance of the notice or order affirming such notice the penalty shall bear interest at the rate of 10 percent compounded monthly.
- The drinking water tracking database shall be updated with case actions.
- KCPHD staff shall notify the Department Accountant of the NOVA Order or Infraction Notice and fine issuance for financial tracking and processing purposes.
- The case shall be referred to the KCPO to charge the water system with a misdemeanor or gross misdemeanor. If applicable and at the discretion of the Health Officer, a health order may be issued.

Health Order:

- Failure to comply with all orders including a NOVA Order or Infraction Notice may warrant that a health order be issued to prohibit use of the water system.
- KCPHD staff will request a health order be issued based on either a demonstration of non-compliance or emergency through the powers of the Health Officer with the concurrence of the Environmental Health Supervisor or Public Health Administrator.
- Nothing in this policy shall be construed to circumscribe the authority and power of the Health Officer or their representative to act in an emergency situation to control and prevent any health hazard or nuisance which immediately threatens the public health of the inhabitants of the county, visitors, and its municipalities which power and authority is governed by state law.

Severability:

- If any provision of this policy or its application to any person or circumstance is held invalid or unconstitutional, the remainder of this policy or the application of the provisions to other persons or circumstances is not affected.

Applicability

1. This policy applies to all Kittitas County Public Health Department employees performing routine inspections, re-inspections, follow-up compliance, issuance of compliance orders, and responding to public complaints regarding Group B Public Water Systems in Kittitas County.
2. This policy is effective immediately and is subject to review every three (3) years or as needed.

Environmental Health Supervisor

Date

Administrator

Date

Health Officer

Date