KITTITAS COUNTY BOARD OF HEALTH

Special Meeting/Public Hearing
Minutes

December 15, 2011

Board Members:  John Asriel M.D., Alan Crankovich, Rich Elliott, Paul Jewell, Obie O’Brien

Kittitas County Public Health Department: Candi Blackford, Maria D. Canfield, Holly Duncan, Karen Hamel, Amanda Johnson, Mark Larson M.D., Linda Navarre, Robin Read, James Rivard

Other: Suzanne Becker, Kittitas County Prosecuting Attorney

Paul Jewell called the meeting to order at 10:00am to discuss the consideration of the adoption of the Group B Sanitary Survey and adopt the amended Kittitas County Public Health fees.

Kittitas County Public Health Department (KCPHD):

James Rivard stepped to the microphone and informed the Board of Health members that after hearing some of the concerns with stakeholders over the Group B sanitary survey the health department would like to change the direction today and hear public testimony and review the Group B sanitary survey and develop code before adopting a new inspection/fee.

Paul Jewell informed the members that the board has reviewed the documents before them and will continue the public hearing and make a decision on moving forward after the Board has had a chance to ask questions and hear public testimony.

Mr. Rivard noted that from 2001-2008 the county performed sanitary surveys on Group B systems with funding received from the Washington State Department of Health (DOH). Due to the decrease in budget during the last few years this funding has been cut. In Kittitas County there are 230 approved Group B Public Water Systems, 195 of which do not have oversight through a licensed Satellite Management Agency (SMA) to maintain the well and take water samples as required. The current requirement from the DOH is for a bacteria test to be performed every year and a nitrate test performed every 3 years. Mr. Rivard informed Board members that systems without SMA oversight are managed mostly by private citizens or homeowner associations who may or may not know anything about maintaining and operating a public water system. In some situations routine maintenance to small public water systems is neglected until a major problem occurs. The advantage of a sanitary survey would allow the department to maintain contact with small water system operators, keep accurate records, and help divert both public health issues and operational malfunctions from arising with the system and preventing a loss of service. The health department would also be a valuable resource to the water system owners.

Mr. Rivard discussed the policy and noted that the sanitary survey would be performed once every 5 years and the health department would notify the systems due for inspections by January 31st and set up an appointment date. At the time of inspection if there are no deficiencies found or corrections needed they would not be contacted for another inspection for 5 years. If there are deficiencies to the system or corrections that need to be made the following would apply:

- If major deficiency found it would need to be fixed within 30 days (water owner could ask for a conditional purpose extension).
• If minor deficiency found it would need to be fixed within 90 days.
• A failure to comply letter would be sent out if they did not fix the deficiency within the original time frame given and would give the owner another 30 days to comply.
• After all notices and contact with owner occur, there will be a monetary penalty.
• A Health Order will be implemented if there is non-compliance.

Mr. Rivard reviewed the Sanitary Survey Form and after reviewing it with a few stakeholders, the department has decided to make a few changes and bring them back for approval.

Mr. Rivard noted that there were letters sent to all of the Group B system owners with only a few responses received.

Heather DeFaccio owner of the Rose Hill Farm Bed and Breakfast wrote a letter to the health department and called Mr. Rivard expressing her concerns. Ms. DeFaccio opened a bed and breakfast seven years ago and is considered a Group B system. Ms. DeFaccio noted that she has concerns with the fee and the number of connections. She questioned why she was charged the same fee as someone with 14 connections. Ms. DeFaccio also noted that she has already been in compliance with the rules and states that the fee needs to be imposed on those that are not in compliance with the rules. Ms. DeFaccio feels that this is just another way for the county to impose a fee on small businesses. Mr. Rivard did note that the health department will consider doing the fee based on the size of a Group B water system in the form of small, medium and large. Mr. Rivard then gave a copy of the letter to the Board of County Commissioners for review.

Mr. Rivard discussed the proposed changes on the Group B Sanitary Survey Checklist along with the following proposed fees:
• Group B Public Water System Sanitary Survey Inspection to maintain a valid Operating Certificate (with SMA) $290.00 per water system/once every 5 years
• Group B Public Water System Sanitary Survey Inspection to maintain a valid Operating Certificate (without SMA) $345.00 per water system/ once every 5 years

The fee impact will depend on the number of lots or connections on the water system. Mr. Rivard would like input from the board regarding the inspections of SMA vs. Non-SMA systems and how to handle this issue.

Paul Jewell then asked the board if they had any questions. Rich Elliott questioned the public complaint inspection. James Rivard responded that as long as it was a valid complaint it would probably be an hourly charge.

Dr. Asriel questioned the state testing requirements. Mr. Rivard clarified that bacteria testing is required yearly and nitrate testing done every three years as long as there are no heavy metal issues. The health department will be making sure that the water systems are performing these tests as required.

Obie O’Brien asked for clarification of an ASME valve. Holly Duncan stepped to the microphone and informed the board that an ASME valve is a pressure release valve for safety.

James Rivard discussed the SMA responsibilities that vary depending on the service requested from the water system owners. The SMA Managers are licensed from the Washington State Department of Health. In Kittitas County there are three SMA’s that have been assigned since 2006. Paul Jewell questioned what oversight is provided from the DOH to the SMA Managers work. Mr. Rivard informed the board that the county does not have authority to regulate SMA’s so the specifics are not known to the health department.

Paul Jewell wanted to know what has changed since 2006 to necessitate implementing this sanitary survey. Mr. Jewell understands the benefits, but would like clarification as to what has changed to implement this process. James Rivard informed the board that the county used to do these prior to 2008, but due to funding cuts this has not been happening. The education piece is not happening for the water system owners, which is a significant piece for prevention and for the Joint Plan of Responsibility agreement with DOH.

Maria D. Canfield, stepped to the microphone and clarified the health department would like to postpone implementation of the program until the department can open the water code and propose a water code first and then the policy.

Public Testimony opened at 10:37am:

Clint Perry, Evergreen Valley Utilities, Cle Elum: Clint Perry stated that he represents a Satellite Management Agency for Kittitas County and has met with the Kittitas County Public Health Department staff and discussed
recommendations. Mr. Perry addressed the issue of SMA systems being inspected. He is in favor of the county inspecting the water systems and does not feel SMA systems be treated differently. Satellite Management Agencies have contracts with individual water systems. Each water system has varying degrees of oversight as to what they perform. Some system owners want the bare minimum done and others want them to treat it as if they own the system. The SMA serves as a buffer between the state and the system owner and attempts to keep the water system in compliance with the state. There is no enforcement power by the SMA's to make a water system owner fix a deficiency. Mr. Perry feels that if the county were inspecting them there would be more of a push to have the deficiency fixed.

Dave Whitwell, Central Washington Home Builders Association: Dave Whitwell noted that his concern was that if there is a SMA contracting with a system, what else would the county require them to do and how do they achieve that? Mr. Whitwell suggested the county develop a list of minimum expectations to follow in Kittitas County. Each SMA should receive a copy and the county would then follow up to make sure that the requirements are applied. Mr. Whitwell feels the fee should be directed at those not on an SMA system instead of all Group B systems. His recommendation would be for those on an SMA system to distribute the payment monthly over a 5 year period and this would encourage those not on an SMA system to go that route in the future to avoid a lump sum bill every 5 years.

Jerry Martins, 486 Sunshine Way, Cle Elum: Jerry Martins stated he has been involved in many Group B systems and is asking the county to explain what is broke? Mr. Martins knows his water system owners are managing and providing more oversight of his systems than the state, county or any SMA would. He noted that if a problem exists then the county needs to clarify where this problem is and why this policy needs to be put in place.
Mr. Martins also expressed that he feels that more notice needs to be given to the public before a policy like this is presented for a public hearing. He had received his letter that was mailed out by the health department seven days ago.

Curt Lucky, Swauk Teanaway Grange: Curt Lucky has a small Group B water system and likes the proposed idea of the small, medium, and large concept. Mr. Lucky informed the board that he monitors his water system closely and does his bacteria testing quarterly which is above what the county requires. He noted that an added fee will be very difficult for their business to absorb, however he has no problem with a modest fee for someone to take a quick look at their system as small as they are.
Mr. Lucky also stated that along with this policy he would like to see data as to how many people have died or become ill from water related illnesses in this county and the cost benefit related to this policy.

Public Testimony closed at 10:48am

Paul Jewell noted that the board has in front of them a policy, two resolutions, and a recommendation from the health department staff to postpone implementation until code can be developed.

**Board of Health**
Motion to take no action at this time and close the public hearing and re-notice a public hearing when a policy/code is developed.

**Motion 12-01: Motion to take no action at this time and close the public hearing and re-notice a public hearing at a later date when a policy/code is developed.**
Alan Crankovich moved to take no action at this time and close the public hearing and re-notice a public hearing at a later date when a policy/code is developed. Rich Elliott second. All approved. Motion 12-01 carried to take no action at this time and close the public hearing and re-notice at a later dated when policy/code is developed.

Alan Crankovich agrees with staff recommendation that no action be taken today until code development has happened.
Paul Jewell also thanked the public for attending and giving comments that will help the county make balanced policies and good code. Mr. Jewell also recommended the health department put together a stakeholder committee organized specifically for those who are Group B system purveyors, those who are served by
Group B water systems, and other organizations that would have a stake in this (Central Washington Home Builders Association, Realtors Association). Mr. Jewell would also like the department to form a citizen’s advisory committee to help develop code and get the work done before it comes back to the board for a public hearing.

**Board of County Commissioners**
Motion to take no action at this time and close the public hearing and re-notice a public hearing when a policy/code is developed.

**Motion 12-02:** Motion to take no action at this time and close the public hearing and re-notice a public hearing at a later date when a policy/code is developed. Alan Crankovich moved to take no action at this time and close the public hearing and re-notice a public hearing at a later date when a policy/code is developed. Obie O’Brien second. All approved. Motion 12-01 carried to take no action at this time and close the public hearing and re-notice at a later dated when policy/code is developed.

Meeting adjourned at 10:49am

Alan Crankovich, Chair of the Board of Health

Maria Canfield, Administrator
Kittitas County Public Health Department

Candi Blackford
Clerk of the Board of Health