

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON**

**ORDINANCE NO. 2018 - 011**

**AN ORDINANCE TO AMEND CHAPTER 13.30 OF THE KITTITAS COUNTY CODE**

**WHEREAS**, the Board of County Commissioners of Kittitas County hereby adopts this Ordinance pursuant to and by the authority of Chapter 70.05 of the Revised Code of Washington and Article 11, §11 of the Washington Constitution to enact regulatory measures to preserve, promote, and improve the public health; and

**WHEREAS**, the purpose of this Ordinance is to provide for and promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of person who will or should be especially protected or benefited by this Ordinance; and

**WHEREAS**, the provisions of this Ordinance shall be liberally construed for the accomplishment of its purpose; and

**WHEREAS**, nothing contained in this Ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of the Board of County Commissioners, Kittitas County, or any of its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to Chapter 13.30 of the Kittitas County Code to comply with this Ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of the above referenced Chapter on the part of the Board of County Commissioners, Kittitas County, or any of its officers, employees, or agents; and

**WHEREAS**, the Board of County Commissioners wishes to update the County Code concerning Group B Water System Requirements; and

**WHEREAS**, a public hearing was held on May 17, 2018, and the public was provided due notice and opportunity to provide testimony on the proposed ordinance; and

**WHEREAS**, the Kittitas County Board of County Commissioners believes that adopting this ordinance would be in the best interest of Kittitas County; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Kittitas County that Chapter 13.30 of the Kittitas County Code is hereby amended as follows:

**13.30.010 Adoption by Reference.**

The Board of County Commissioners hereby adopts by reference the Washington Administrative Code for Group B Public Water Systems (Chapter 246-291 WAC), excluding section 246-291-005, effective (Insert Date), and as hereafter amended.

### **13.30.020 Applicability.**

1. The rules of this code apply to a Group B public water system that provides drinking water to three to fourteen service connections; and
  - a. Fewer than twenty-five people per day; or
  - b. Twenty-five or more people per day for fewer than sixty days per year, provided the system does not serve one thousand or more people for two or more consecutive days.
2. The rules of this code do not apply to a Group B system that:
  - a. Consists only of distribution or storage facilities and does not have any source or treatment facilities;
  - b. Obtains all water from, but is not owned by, a public water system where the rules of this code or Chapter 246-290 WAC apply; and
  - c. Does not sell water directly to any person.
3. A proposed Group B system shall meet planning, engineering, and design requirements under WAC 246-290-100 through 246-290-250 if:
  - a. The design submitted under WAC 246-291-120 proposes to supply water to another public water system and the combined number of service connections or total population served meets the definition of a Group A public water system; or
  - b. The proposed system is being designed to serve ten to fourteen residential connections using average household population standards as required under WAC 246-291-200(2).

### **13.30.030 Group B Public Water System Installation.**

1. All applicants for a Group B water system serving fewer than 10 connections and fewer than 25 people shall meet the following requirements.
  - a. **Application.**
    1. Submit completed application materials to KCPHD, including:
      - a. A completed application, including a completed Group B workbook that complies with [Chapter 246-291 WAC](#);
      - b. A valid Satellite Management Agency (SMA) agreement; and
      - c. Any applicable fees.
    2. The application shall be submitted by a licensed engineer and bear the engineer's seal and signature when required by [Section 246-291-040 WAC](#).
    3. Incomplete application materials will be returned to the applicant.
  - b. **Water Source.** The Group B water source shall meet the following requirements:
    - i. If the Group B public water system includes groundwater wells, then the wells are sited and constructed according to all state and local law.
    - ii. Well construction is complete prior to approval of Group B system.
    - iii. The source shall meet minimum flow or quantity requirements for the planned Group B public water supply system per [Chapter 246-291 WAC](#).
    - iv. Source water shall meet [Chapter 246-291 WAC](#) water quality requirements and pass any other water quality tests determined necessary by KCPHD.
  - c. **Water Distribution System:** The Group B water distribution system shall meet the following requirements:
    - i. Group B Public Water Systems ([Chapter 246-291 WAC](#));

- ii. Any requirements set forth by the Washington State Department of Health and KCPHD, including but not limited to: Group B Water System Approval Guideline, DOH Pump Test Policy, and Hypochlorination Facilities for Small Systems Approval Checklist.
  - iii. Any other applicable federal, state or local regulations.
- 2. All applicants for a Group B water system with 10 or more connections shall meet the application requirements as determined by the Washington State Department of Health. (Ord. 2011-006, 2011)

**13.30.040 Pump Test Duration.**

The pump test referred to in WAC 246-291-125(4)(b) must extend over a four (4) hour period.

**13.30.050 General Administration.**

The General Administration provisions referenced in WAC 246-291-030 shall include the following additional requirements:

- 1. Operations and Maintenance: Within 30 days of a new purveyor taking over a Group B water system, the new purveyor shall provide updated information to both the Washington State Department of Health and the Kittitas County Public Health Department by completing and submitting a Water Facilities Inventory (WFI) form.
- 2. Ongoing water quality and water use monitoring: Coliform sampling shall be done annually and nitrate sampling shall be done every 3 years.
- 3. Water quality monitoring: Results shall be submitted to Kittitas County Public Health Department (KCPHD) within 30 days of testing.

**13.30.060 Group B Water System Operations and Maintenance.**

- 1. The owner or purveyor of a Group B Water System shall submit the following monitoring information to KCPHD:
  - a. On an annual basis:
    - i. At least one passing bacteriological test meeting the standards of Chapter 246-291 WAC performed in the last twelve (12) months.
  - b. Every three years:
    - i. An updated Water Facilities Inventory Form; and
    - ii. At least one passing nitrate test meeting the standards of Chapter 246-291 WAC performed in the last thirty six (36) months.
- 2. Failure to comply with the requirements listed herein may result in sample collection and testing by KCPHD, or their designee. All costs associated with sample collection and testing shall remain the responsibility of the water system owner or purveyor and will be assessed in accordance with the applicable fee schedule.
- 3. All Group B Water System owners and purveyors shall comply with Chapter 246-291 WAC when performing planning, maintenance, monitoring and reporting for a Group B Water System. This includes the planning and notice requirements in Section 246-291-140 WAC. (Ord. 2011-006, 2011)

**13.30.070 Compliance and Enforcement.**

- 1. KCPHD may conduct a sanitary survey of a Group B water system whenever:
  - a. Two unsatisfactory bacteriological samples are drawn;

- b. KCPHD receives a request for a loan certification;
  - c. A Group B Water System changes ownership or the purveyor; or
  - d. KCPHD determines a public health threat exists or is suspected.
2. If maximum contaminant level (MCL) in nitrate samples is exceeded, then the purveyor shall install treatment.
  3. The Health Officer may require a purveyor to install treatment to resolve unsatisfactory coliform bacteria samples when other methods of decontamination are unsuccessful.
  4. Any costs associated with sanitary surveys conducted by KCPHD or their designee shall remain the responsibility of the water system owner or purveyor and will be assessed in accordance with the applicable fee schedule.

### **13.30.080 Group B Water Systems - Bonding.**

#### **1. Authority of the Health Officer.**

The Health Officer, or the Health Officer's designee, shall have the authority, on behalf of the County, to ascertain whether proposed Group B water systems comply with all state and local engineering, design and construction standards.

#### **2. Cost Estimates and Construction Bonds.**

Failure to comply with all state and local engineering, design and construction standards may result in denial of plan or development permit approval, revocation of prior approvals, or legal action for forfeiture of performance guarantee.

In lieu of the completion of any Group B water system prior to approval of a final plat, short plat or other land-use action, the developer shall complete the Washington State Department of Health Guideline for Group B Public Water System Approval and Guideline for Group B Water System Approval Appendices which include drilling and testing of the well(s).

Developer shall provide a performance guarantee in an amount and with satisfactory surety and conditions providing for and securing to Kittitas County the actual engineering, design and construction and installation of the Group B Water System within a period specified by the Health Officer. The Health Officer will enforce the guarantee through appropriate legal and equitable remedies. If a surety bond is provided, the amount of the bond shall equal one hundred thirty-five percent (135%) of the estimated engineering, design, and construction cost. When a letter of escrow or cash is used, the amount covered shall be for one hundred fifteen percent (115%) of the estimated engineering, design, and construction cost as reviewed and concurred with by the Public Health Department.

The amount of the financial guarantee may be reduced during construction proportionally to the amount of work completed, as said work is approved by the Public Health Department.


Group B water system applications shall be submitted by a professional engineer licensed in the State of Washington whenever the application calls for an atmospheric storage tank, more than one well, more than one pressure zone, fire flow requirements, or treatment other than simple hypochlorination prior to acceptance by the Public Health Department.

Building permits will not be issued until construction is completed or bonded as set forth in this chapter, and approved by the Public Health Department. The developer is legally and financially responsible for ensuring all Group B water systems are engineered, designed,


and constructed in accordance with state and local requirements. (Ord. 2008-05, 2008; Ord. 2011-006, 2011)

ADOPTED this 17<sup>th</sup> day of May, 2018.

**BOARD OF COUNTY COMMISSIONERS  
KITITAS COUNTY, WASHINGTON**

  
Chairman

Absent  
Vice-Chairman

  
Board Member



ATTEST  
CLERK OF THE BOARD -- Deputy

  
Candi Blackford

APPROVED AS TO FORM:

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Deputy Prosecuting Attorney