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**PUBLIC HEALTH AND  
SOCIAL SERVICES DEPARTMENT**

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# Article III

Effective: January 1, 2014

**SANITARY CODE FOR THURSTON COUNTY**

**ARTICLE III**

**RULES AND REGULATIONS OF THE THURSTON COUNTY BOARD OF HEALTH**

**GOVERNING WATER SUPPLIES**

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# **SANITARY CODE FOR THURSTON COUNTY**

## **ARTICLE III**

### **RULES AND REGULATIONS OF THE THURSTON COUNTY BOARD OF HEALTH**

#### **GOVERNING WATER SUPPLIES**

##### **SECTION 1 AUTHORITY.**

This Article is adopted by the Board of Health in accordance with the authority granted by RCW 70.05.060 and 70.46.060 and chapters 246-290 and 246-291 WAC to establish minimum standards for water supplies located in Thurston County and chapter 173-160 WAC for the construction and decommissioning of water wells to protect the drinking water resource.

##### **SECTION 2 PURPOSE AND SCOPE.**

- 2.1 **Purpose.** The purpose of this Article is to protect the public health by promoting safe and reliable drinking water by establishing:
  - 2.1.1 Standards for siting, design, and protection of drinking water sources;
  - 2.1.2 Standards for public water systems and their conveyance infrastructures, including water wells, piping, pumps, storage and treatment methods;
  - 2.1.3 Standards for operation, maintenance and monitoring of public water systems; and
  - 2.1.4 Standards for decommissioning of water wells to protect the drinking water resource.
- 2.2 **Scope.** This Article regulates water supplies located within Thurston County and requires water systems to be designed and operated to deliver safe and reliable drinking water to every residence, place of business, or other building or place where people congregate, reside or are employed.
  - 2.2.1 All public water systems shall meet the standards of this Article and chapters 246-290 and 246-291 WAC.
  - 2.2.2 One (1) and two (2) single-family residential connection water supplies are exempt from Section 6 of this Article but are required to comply with the applicable Thurston County Coordinated Water

System Plan, as amended.

- 2.2.3 This Article shall apply to all water supplies in Thurston County for purposes of determining water availability.

### **SECTION 3 ADOPTION AND ADMINISTRATION.**

The health officer shall be responsible for the administration of this Article. The following are adopted and incorporated herein by reference: chapters 246-290, 246-291, and 173-160 WAC, and the Thurston County Coordinated Water System Plans, as amended.

### **SECTION 4 DEFINITIONS.**

As used in this Article, the terms defined in this section shall have the meanings indicated unless the context clearly indicates otherwise. These definitions supplement the definitions contained in chapters 246-290 and 246-291 WAC.

- 4.1 **Building Official.** The officer or other designated authority charged with the administration and enforcement of the building code in Thurston County or the building codes of incorporated areas within Thurston County, or their respective duly authorized representatives.
- 4.2 **Noncompliance.** Any condition of a water supply that is not in compliance with this Article or chapters 246-290 or 246-291 WAC.
- 4.3 **Potential Source of Contamination.** An object, circumstance or situation that provides or allows a point of discharge of any substance which may adversely affect the health of the consumer or the aesthetic qualities of drinking water as determined by the health officer.

### **SECTION 5 WATER SOURCE PROTECTION AND APPROVAL.**

- 5.1 **Source Protection.** All water sources shall be located, constructed, protected and maintained in a manner which will preserve the quality of the water source, minimize the potential for contamination, and prevent surface water from entering the water source.
- 5.2 **Source Approval.** No new water source, previously unapproved water source for a public water system, or modification of an existing water source for a public water system shall be used without approval from the health officer.
- 5.2.1 In order to obtain approval for a water source to serve a public water system, a well site application shall be submitted to the health officer. Upon review of the information, a well site

application will be approved if the information provided establishes that the water source satisfies the requirements of this Article and chapters 246-290 and 246-291 WAC.

- 5.2.2 Water source approval for one (1) and two (2) single-family residential connection water supplies are reviewed in accordance with Sections 5 and 7 of this Article in order to obtain a determination of water availability when requested by the building official.
- 5.2.3 No new water source shall be located in areas where water is available from an existing public water system. The health officer may exempt an applicant from this requirement if the applicant demonstrates all of the following:
  - (a) The water source meets all standards for isolation and construction without variances or waivers; and
  - (b) The location of the new source is consistent with all other applicable water supply requirements, land use plans, and ground water management plans; and
  - (c) The applicant receives approval from the jurisdictional Hearings Examiner on an appeal or variance from the priority of service per the applicable Thurston County Coordinated Water System Plan.
- 5.3 **Areas of Known or Suspected Contamination.** The health officer shall review all information available and, as needed, consult with other county staff or agencies, regarding areas of known or suspected groundwater contamination and areas where groundwater may not be available as part of the evaluation of the water source.
- 5.4 **Sanitary Control Area.** A sanitary control area as defined by chapter 173-160 WAC must be established around the water source to protect it from potential sources of contamination.
  - 5.4.1 The well owner or public water system owner shall own all land included within the sanitary control area in fee simple or shall have the right to exercise complete sanitary control of the land through other legal provisions, such as a long-term lease or sanitary covenant recorded with the Thurston County Auditors' Office, or some combination of these. The document shall contain a statement that no potential sources of contamination will be constructed, stored, disposed of, or applied within the sanitary control area.

- 5.4.2 **Exemption.** One (1) and two (2) single-family residential connection water supplies which are proposed on legal lots of record created prior to May 1, 1994 (the original effective date of this Article) are not required to file a sanitary covenant with the Thurston County Auditors' Office.
- 5.4.3 The right to exercise control of the land within the sanitary control area, as per Section 5.4.1 and 5.4.2, shall remain in effect until such time as the source is decommissioned in conformance with chapter 173-160 WAC.
- 5.4.4 The minimum sanitary control area shall have a radius of one hundred feet (30.75 meters) for wells, and two hundred feet (61.5 meters) for springs. The health officer may approve a reduction in the sanitary control area based on justification that supports a smaller area. The justification must address geological and hydrological data, well construction details and other relevant factors necessary to assure adequate sanitary control.
- 5.4.5 The health officer may require a larger sanitary control area if geological, hydrological, or other site data supports such a decision. It shall be the owner's responsibility to obtain the protection needed.
- 5.4.6 No potential source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area without the permission of the health officer and the well owner or public water system owner. Absent such permission, the presence of any actual or potential sources of contamination within the sanitary control area shall be a violation of this Article.
- 5.5 **Well Decommissioning.** The property or well owner shall be required to decommission a well in conformance with the requirements of chapter 173-160 WAC.
- 5.5.1 The health officer shall require the property or well owner to decommission any well:
- (a) That is abandoned, unusable, or not intended for future use; or
  - (b) That is an environmental, safety, or public health hazard.
- 5.5.2 **Exception.** Decommissioning of a well shall not be required if:

- (a) The well construction, condition, and maintenance are such that no environmental, safety, or public health hazard will result; and
- (b) A protective covenant is recorded with the Thurston County Auditor to provide adequate protection of the sanitary control area; and
- (c) The source remains in beneficial use with a pump installed and wired for power for the purposes of irrigation use only.

## **SECTION 6 PUBLIC WATER SYSTEMS.**

This section shall apply to public water systems regulated by Thurston County except for those water supplies serving two (2) single-family residential connections.

- 6.1 **Design.** Public water systems shall be designed in conformance with the requirements of chapter 246-291 WAC and this Article.
- 6.2 **Existing non-expanding public water systems.** A public water system which was constructed and put in to use prior to May 1, 1994 (the original effective date this Article) may be considered provisionally adequate without design approval to serve existing connections only if it meets the requirements of WAC 246-291-280 for existing Group B public water systems. These water systems shall not be allowed to expand until all requirements of chapter 246-291 WAC and this Article are satisfied.
- 6.3 **Permit.** No purveyor shall operate a public water system regulated by this Article without a valid public water supply permit issued by the health officer.
- 6.4 **Annual Public Water Supply Permit.** An annual public water supply permit will be issued to a public water system if the following conditions are met:
  - 6.4.1 All requirements of chapter 246-291 WAC and this Article have been completed, or the requirements of Section 6.2 for provisionally adequate public water system per WAC 246-291-280 are satisfied; and
  - 6.4.2 Any health related complaints regarding the water system have been resolved or progress on an established compliance schedule is demonstrated to the satisfaction of the health officer.

- 6.5 **Water Quality Monitoring Requirements.** The water quality monitoring requirements specified in this section are minimums. The monitoring must be conducted with satisfactory results in accordance with chapter 246-291 WAC as follows:
- 6.5.1 Coliform bacterial monitoring once every 12 months; and
  - 6.5.2 Nitrate chemical monitoring once every 3 years; and
  - 6.5.3 Other chemical or physical contaminant monitoring, as required by the health officer.
- 6.6 **Reinstatement of Noncompliant Public Water Systems.** Any public water system that is operated without a current public water supply permit or is otherwise in violation of this Article may be required to have a sanitary survey inspection conducted by the health officer before the water system is considered in compliance with this Article. All current and past public water supply annual permit fees and other fees required by this Article shall be paid before a public water supply permit will be issued.
- 6.7 **Transfer of Permit.** A transfer of a public water supply permit will be required at the time a public water system is transferred from one public water system owner to another, or whenever the name of the public water system is changed. The purveyor or water system owner shall submit written documentation to the health officer within thirty (30) days of any transfer of ownership or change in name of the public water system. At a minimum the information provided shall include the names, addresses, and telephone numbers of the new owners and emergency contact persons for the public water system.
- 6.8 **Change in Management Responsibility.** The purveyor or water system owner shall notify the health officer within thirty (30) days of a change in management responsibility. At a minimum the information provided shall include the name, address, and telephone number of the new responsible manager or purveyor.

## **SECTION 7 MINIMUM STANDARDS FOR WATER AVAILABILITY.**

To obtain a determination of water availability for issuance of a building permit, an applicant must submit a complete application to the building official demonstrating the existence of an adequate supply of water that meets the standards of this Article.

When requested by the building official, the health officer shall recommend whether or not a certificate of water availability should be approved by the building official. The following conditions must be satisfied for the health officer



to recommend approval of a certificate of water availability:

**7.1 Determination of Water Availability for Connection to a Public Water System.** The applicant must provide a Letter of Water Availability signed by an authorized representative of the public water system indicating that the system will serve the proposed connection or development. This letter must contain a statement that the representative has reviewed the water system records and that the proposed connection is within the scope of the water right permit and plan approval, and the public water system is in compliance with chapters 246-290 and 246-291 WAC and this Article.

**7.2 Determination of Water Availability for Connection to a One (1) and Two (2) Single-Family Residential Water Supply.** The applicant must provide a Letter of Water Availability with the following supporting information depending on the type of water source:

**7.2.1** For a well or spring from a ground water source:

- (a) Evidence of water source approval per Section 5; and
- (b) Evidence of a water right permit, when required by the Washington State Department of Ecology; and
- (c) Evidence of a well and waterline access agreement filed with the Thurston County Auditors' office if the two respective parcels sharing the well are separate legal lots of record; and
- (d) Construction documents in the form of a well driller's report prepared by a licensed well driller for wells and a construction schematic for springs, demonstrating compliance with this Article; and
- (e) Water quality analysis report from a State of Washington certified drinking water testing laboratory indicating compliance with drinking water standards for coliform bacteria and nitrate chemicals per chapter 246-291 WAC. The health officer may require additional water quality testing or documentation if there is information to suggest that other contaminants may be present; and
- (f) A water quantity report from the well driller, pump supplier, or other qualified person. The report must be in the form of a pump test, bailer test, or air test for wells or a flow test for springs. The test must assure that the water source is capable of providing a minimum quantity of four hundred

(400) gallons per day for a one (1) single-family residential connection water supply and 800 gallons per day for a two (2) single-family residential connection water supply.

7.2.2 For a surface water source:

- (a) Evidence that demonstrates it is not possible to secure drinking water from another source such as a ground water well or another water system; and
- (b) Evidence of a water right permit, when required by the Washington State Department of Ecology; and
- (c) Evidence of a waterline access agreement filed with the Thurston County Auditors' office if the waterline is installed over and across parcels that are separate legal lots of record; and
- (d) Documentation that the water supply includes a treatment system designed by a professional engineer. The treatment system must be designed to include, as a minimum, continuous filtration and disinfection with the construction of the water supply and treatment system supervised by a professional engineer; and
- (e) Documentation that a notice explaining the potential health risks is filed with the Thurston County Auditors' Office. The notice shall alert the applicant or any future property owner to the following:
  - (i) The treatment system may provide drinking water which meets the minimum quality standards for bacteria, but may not protect against contamination by chemicals; and
  - (ii) Routine operation and maintenance of the treatment system are essential for the delivery of safe drinking water.

**SECTION 8 ENFORCEMENT.**

The health officer is authorized to enforce this Article in accordance with Article I and chapter 246-291 WAC. Whenever any person violates a provision of this Article or other law or regulation applicable to water supplies, the health officer may initiate enforcement action. Orders may be issued to the owner of a well, water supply, public water system, property owner, or other person causing or

responsible for the violation. Enforcement action may include any one or a combination of the following:

- 8.1 Orders to stop work and/or refrain from any action until all required permits and approvals are obtained, and any condition found to be in violation has been corrected.
- 8.2 The health officer may deny, suspend, modify or revoke a permit or approval issued pursuant to this Article to any person who has failed or refused to comply with the provisions of this Article or any other law or regulation applicable to water supplies.
- 8.3 **Civil Infraction.** The violation of any provision of this Article is designated as a Class 1 civil infraction. A notice of infraction shall be issued in accordance with Article I.
- 8.4 **Civil Penalties.** The health officer may impose civil penalties for the violation of any provision of this Article. Civil penalties shall be imposed and determined in accordance with Article I. Civil penalties for violations of this Article shall be assessed in the following amounts:
  - \$250.00 for the first violation.
  - \$500.00 for each subsequent violation in any five year period.
- 8.5 Other civil or criminal action may be initiated as set forth in Article I or chapter 246-291 WAC.

## **SECTION 9 APPEALS.**

Any person aggrieved by a decision, an inspection or notice made by the health officer shall have the right to appeal the matter as specified in Article I.

## **SECTION 10 FEES.**

Fees shall be charged in accordance with those set forth in Article I.