

Bolender, Wendy

From: Adelsman, Hedia
Sent: Tuesday, September 07, 2004 9:13 AM
To: Bolender, Wendy
Subject: FW: DOH Comments on Instream Flow Rule guidance

-----Original Message-----

From: Hoey, Rich
Sent: Friday, September 03, 2004 8:44 AM
To: Adelsman, Hedia
Cc: Stohr, Joe; Clifford, Denise; Vazquez, Michele; Rioux, Jim; Lopez, Lilia (ATG)
Subject: DOH Comments on Instream Flow Rule guidance

Hedia,

Attached are our comments on the July 2004 guidance on "Setting Instream Flows and Allocating Water for Future Out-of-Stream Uses." We appreciate the opportunity to review the information prior to broad distribution.

During our meeting on August 2nd, you expressed particular interest in Department of Health input on defining *timely and reasonable* water service. Attached is a draft set of guidelines we've developed that stem from the Public Water System Coordination Act. The document is draft since it is still undergoing legal and broader staff review. We intend to finalize it in the near future. If you have any questions, please let me know.



Timely and
asonable.rev0831

Below are additional comments we have on the guidance document beyond the issue of timely and reasonable water service:

Section 2.2: Limits on well construction: The document indicates that an alternative approach to allowing for some future use would be to place limits on well construction (restrictions in the Methow were used as an example). RCW 18.104.190 specifically identifies Health as a player in the technical advisory group for this endeavor. How often do you anticipate using this type of approach? We are trying to gauge the resource impact to our agency to participate on these technical advisory groups, and whether we would suggest a statewide participation level for DOH.

Section 2.2: Part 3: Limiting the development of new private water supplies: The document has implied that limitations on new private wells could be placed where water is available from "public water systems". From our read 1) it seems to relate only to individual homes and 2) it could require connection to ANY public water system (even if one is two connections). Section 2.3 seems to address public (versus private) systems. We have the following suggestions to clarify Sections 2.2 and 2.3:

Combine Sections 2.2 and 2.3 to reflect something like this:

"Limiting the development of new water supplies for where a retail service area has been established pursuant to 43.20.260 RCW and where the connection can be provided in a timely and reasonable manner."

This modification would continue to reflect Ecology's statute that allows connection to public water systems, but puts it into a context that provides some boundaries around the discussion (i.e. doesn't assume that it applies to hooking up to ANY public system, but rather only to those systems with a retail services area (i.e. system with an approved Water System Plan). Also places individual wells and public water systems into the same process.

Section 2.2: Part 6a: Allocation/reservations based on overriding consideration of public interest.

3rd paragraph: ~~ERU~~ states this would allow for rural development that might otherwise be possible. I would suggest that the word "rural" be removed. The inclusion of rural seems to rule out water systems. I would think that the issues of development are the same for rural and urban.

4th paragraph: This section implies that they could use exempt wells until "public water supplies become available." How does Ecology intend to implement and enforce this provision? Our experience is that once the house is built and the facilities are in place it will be difficult to get the owner to switch over to a public system and pay hookup fees, water rates, etc.

Section 2.2, Part 6d: Tools to mitigate harm: 1st bullet "Retire other water rights to offset effect." This could use some clarification. Water does 'retire' mean in this instance.

Section 2.3 Allowance for future small domestic ground water uses not limited by instream flow regulations:

1st paragraph: Ecology appears to have used the definition of "rural" from the GMA. Would this definition apply in non-GMA counties? What does Ecology mean by a 'very small community system'? Group Bs?

1st bullet: In regards to the "smallest amount (of water) practicable" for inside domestic use, the Department of Health uses our Water System Design Manual for guidance. Chapter 5 of the WSDM provides guidance on water demands (attached). Below is language that may help Ecology set the level of water needed for inside domestic use.

"When designing on the basis of an analogous system, a lower limit for the maximum day demand (MDD) value is established at 350 gallons/day/ERU (WAC 246-290-221). Even though this is somewhat less than what would be calculated using Equation 5-2 (a doubling of the average daily demand), it is consistent with the Department of Ecology's position regarding household water uses when water rights allocations are being decided for developments which restrict outside irrigation uses. Even with the 350-gpd/ERU threshold, the designer must still provide metered water use records from the analogous system that support the water demand design criteria used for the new system.

There may be some projects for which sufficient information (meter records) has been collected and verified to support a maximum day demand of less than 350 gallons/day/ERU. That data may only be used in support of expansion for that specific water system [WAC 246-290-221(2)]."

In regard to the expected water demand for each connection associated with a future small domestic water system, what criteria and process must be adopted/followed in order for ODW or its designee to approve a Group B or small Group A water system on the basis of in-house domestic use only? At a unit demand of 150-240 gpdpc (as contemplated in the document), ODW or an LHJ could be tasked with considering the approval of a 20 + unit system in remote area (read "large lot" and spread out with longish distribution systems) operating without a water right.

3rd bullet: "uses for which public water service is not available". Please clarify.

4th bullet: Talks about conservation standards. What standards are suggested here? Would those be future conservation requirements set by DOH or WRIA specific standards?

Would this guidance prevent an existing public water system from dissolving and homeowners drilling individual wells? Some communities have opted to take this approach rather than make large investments into the community supply.

Appendix A

Should add:

Retail service area expectation under RCW 43.20.260.

Coordination Act requirements under RCW 70.116 and WAC 246-293.

Satellite Management Agency requirements under RCW 70.116.134 and WAC 246-295.

Other Suggestions and Questions

- Recommend developing a GIS-internet based system, allowing a user to locate the property/area under consideration for new water service and with the click of a mouse understand what standards, requirements, process, and limits that apply to that particular location.
- Recommend creating user-friendly ties between DOH documents and DOE documents (no conflicts, ample cross-referencing) for our customers to make effective use of when contemplating a new system or system expansion.
- Recommend communicating the three dimensional aspects of these requirements to well drillers, incorporating well depth/well design considerations into the DOE start card process, and tying this information in with DOH's well site inspection process. For example, an area that requires a deep well, sealed off from upper aquifer(s), might be permitted greater leeway in terms of sanitary control area issues. Knowing the well construction requirements early will help assure a smoother approval process.
- In areas where water has been reserved, how does the withdrawal associated with a public water supply (design, or actual) get conveyed to and tallied by Ecology, and how does Ecology communicate remaining "reserved" water to DOH, local governments and others?
- When does the setting of an in-stream flow impact an applicant for a new public water system? Does this occur immediately, regardless of when the applicant applied to subdivide the land, drilled the well, or submitted the application?

I hope these comments and questions are helpful. If you have any questions, please let me know, and thanks again for the opportunity to comment.

Rich Hoey, P.E.
 Deputy Director - Field Operations
 Office of Drinking Water
 Wa. Dept. of Health
 Phone: (360)236-3160 Fax:(360)236-2253
 Email: rich.hoey@doh.wa.gov

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