

Adoption of New Health Article X To The Mason County Board Of Health Governing Individual And Public Drinking Water System

WHEREAS, R.C.W. 70.05.060 and WAC 246-290-030 permit local boards of health to enact local rules and regulations as are necessary in order to preserve promote and improve the public health and provide for enforcement thereof; and

WHEREAS, new local legislation is needed to satisfy the intent of House Bill 2929 (The Growth Management Act) with respect to provision of safe drinking water to the public; and

WHEREAS, Section 63 of the Act directs each applicant for a building permit necessitating potable water to provide evidence of an adequate water supply for the intended use of the building; and

WHEREAS, part II, Section 52 (2) of the Act requires, in part, that the County shall approve a short plat, or subdivision only if written findings that appropriate provisions are made for potable water supplies; and

WHEREAS, Mason County has traditionally not encountered water quality/quantity problems for residential consumption and because problem areas will be formally recognized where further requirements can be enacted; and

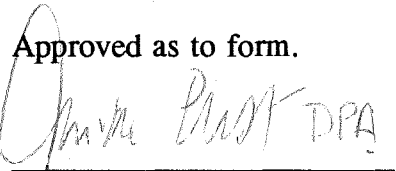
WHEREAS, specific procedures are necessary for implementation of Section 51, 52, and 63 of House Bill 2929 in order that the Act can work effectively in Mason County; and

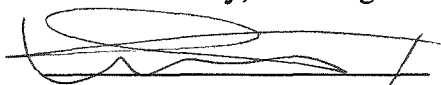
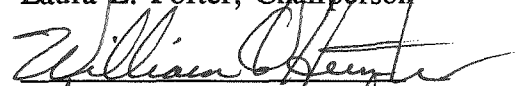
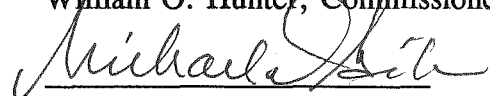
WHEREAS, the Mason County Board of Health has considered the public testimony received and the proposed health article and deems it appropriate to adopt this article and recommends adoption.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY ORDERED by the Mason County Board of Commissioners that Article X be adopted to the Health Articles of Mason County.

BE IT HEREBY RESOLVED that the following article be adopted this 18th day of February 1992.


Clerk of the Board

Approved as to form.

Prosecuting Attorney

Board of County Commissioners,
Mason County, Washington

Laura E. Porter, Chairperson

William O. Hunter, Commissioner

Michael D. Gibson, Commissioner

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**Mason County Department of
Health Services**

**Article X
Potable Water Requirements**

Section 1. Purpose

Section 63 of the Growth Management Act modifies the State Building Code to require that an applicant for a building permit for any building necessitating potable water must provide evidence of an adequate water supply for the intended use of the building. Buildings identified by the Building Official which do not require potable water facilities are exempt from this requirement. Improvements, or replacement, or additions to buildings which already contain potable water are not subject to the provisions of these requirements.

Supply systems based on other sources of water shall be accompanied by any necessary plans, permits and specifications verifying that the system is capable of providing the quality and quantity of water necessary for the purposes of the building.

Section 51 and 52 of the Growth Management Act provides that proposed subdivisions and short subdivisions shall not be approved unless the county makes written findings that adequate provisions for potable water are available for each site.

Section 2. Scope of Coverage

- A. The provisions of these rules and regulations shall apply to all territories contained within the jurisdictional boundaries of the Mason County Department of Health Services. The provisions of these rules and regulations shall apply to all new residences, places of business, or other buildings or places where persons congregate, reside or are employed to which a private or public water supply provides a potable source of drinking water, and to land segregation regulated under Title 16 of the Mason County Code.

It is the express purpose of this ordinance to provide for and promote the health, safety and welfare of the general public, and not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this ordinance.

- B. All building permits necessitating use of potable water shall provide proof of potable water, as delineated in this code and approved by the Health Services Director or designee(s), prior to issuance of the permit.

1 Section 3. Definitions

2
3 Large lot subdivision:

4
5 Every division or redivision of land into two (2) or more lots, each
6 of which is larger than one-one hundred and twenty eighth of a
7 section of land, or five acres, and any one of which is smaller than
8 one sixteenth of a section of lands, or forty (40) acres, for the
9 purpose of sale, lease, or transfer of ownership.

10
11 Potable Water:

12
13 The quantity and quality of water suitable for drinking as
14 delineated in this code in Sections 4 and 5.

15
16 Public Water System:

17
18 Is defined and referenced under WAC 246-290-020, and means
19 any system, excluding a system serving only one single-family
20 residence, providing piped water for human consumption.

21
22 Group A Water Systems:

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24 A water system with fifteen or more service connections,
25 regardless of the number of people; or

26
27 Serving an average of twenty-five or more people per day for sixty
28 days or more within a calendar year, regardless of the number of
29 service connections.

30
31 Group A water systems are further defined as community and
32 noncommunity water systems.

33
34 Group B Water Systems:

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36 A water system with less than fifteen service connections and
37 serving an average of less than twenty-five people for sixty or
38 more days within a calendar year or

39
40 Serving any number of people for less than sixty days within a
41 calendar year.

1 Purveyor:

2
3 An agency or subdivision of the state or a municipal corporation,
4 firm, company, mutual or cooperative association, institution,
5 partnership, or person or other entity owning or operating a public
6 water system. Purveyor also means the authorized agent of such
7 entities.

8
9 Short Subdivision:

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11 Every division or redivision of land into four (4) or fewer lots, any
12 one of which is less than five (5) acres or one-one hundred twenty-
13 eighth (1/128) of a section of land, for purposes of sale, lease, or
14 transfer of ownership.

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16 Subdivision:

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18 The division or redivision of land, for purposes of sale, lease, or
19 transfer of ownership into five (5) or more lots, any of which is
20 smaller than five (5) acres or one-one hundred twenty-eight (1/128)
21 of a section of land.

22
23 Water Right Certificate:

24
25 The Department of Ecology requires a permit for surface water use
26 in accordance with the provisions of 117, laws of Washington
27 1917, and amendments thereto, and the rules and regulations of the
28 Department of Ecology.

29
30 Water Right Permit:

31
32 Water rights permits are required for all surface water diversions
33 and those ground water withdrawals in excess of 5000 gallons per
34 day or irrigation of one-half (1/2) acre. A water right permit
35 establishes the legal availability and right to use water as defined
36 in RCW 90 .03 and RCW 90.04.

37
38 Water right permits may be applied for at the appropriate
39 Washington State Department of Ecology regional office. An
40 application for a water right permit is not sufficient proof of an
41 adequate water supply. Applicants alleging rights based upon
42 Registered Water Right Claims should be directed to the regional
43 offices of Ecology to verify the existence of the claim and its
44 possible validity.

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Water Source Study:

A water source study includes information on the extent of the aquifer supplying the area including physical dimensions of the aquifer, the hydrologic characteristics of the aquifer, the source of its recharge, and the areas of discharge. It may also include an analysis of the current and future uses of the aquifer. Specific capabilities of a well to yield appropriate flow rate may also be required.

Well Log:

A record of the construction or alteration of a well which is completed and filed with the Department of Ecology pursuant to RCW 18.04. This report must describe the various characteristics, including thickness, kind, and nature of each material in each stratum penetrated during the drilling of the well. It also includes information on the depth water was encountered and provides an indication of the amount of water the well will yield.

1 Section 4. Minimum Standards and Availability of Water Supplies

2
3 A. The availability of an adequate water supply shall be evidenced by one of the
4 following:

5
6 1. A water right permit obtained from the Washington State
7 Department of Ecology.

8
9 2. Certificate of Surface Water Right

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11 3. A letter from an approved water purveyor stating the ability
12 and willingness to provide water in compliance with the State
13 Board of Health Drinking Water Regulation, Chapter 246-290
14 WAC and the State Surface and Groundwater Codes Chapter 90.03
15 and 90.44 RCW.

16
17 4. A water availability notification by a well drillers log if the
18 source is a well which does not require a water right permit.

19
20 i. The well log shall provide information on soil
21 strata, amount of water flow either by a one-hour
22 bailer test or air line test amounting to 800
23 gallons/day; and depth at which water was
24 encountered.

25
26 ii. Additional tests may be required in areas of
27 concern (e.g. seawater intrusion, impact on stream
28 flows, known well interference), by Mason County
29 Department of Health Services.

30
31 iii. If the proposed source is a well which does not
32 require a water right, but is for a public water
33 supply, the well must be test pumped continuously
34 for a minimum of four hours, as provided in WAC
35 173-160-345.

36
37 Well logs and tests only indicate the physical availability of water,
38 not the legal availability of water. Such wells, while exempt from
39 the water right permit process, may still be regulated by the
40 Department of Ecology
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B. The minimum standards for quantity of available water supply are as follows:

1. For approved public systems, 800 gallons per connection per day and a pumping rate of 1 gallon per minute per connection.
2. For individual systems, 800 gallons per day, at a pumping rate of 1 gallon per minute. Water conservation is encouraged, and a daily volume of less than 800 gallons will be accepted if appropriate conservation and storage measures justify such a reduced minimum volume.
3. Results of tests performed at the time of drilling and recorded on the well log are acceptable proof of adequate quantity.

C. Subdivisions, and/or Short Subdivisions.

1. An approved public water system shall be provided for a subdivision or short subdivision with any parcel less than one acre.
2. A water supply system to lots which are one acre or over do not need to be served by a public water system provided that the subdivision meets the following requirement:

A stamp is included on the face of all approved short subdivisions and subdivisions indicating that potable water has not been provided to any of the lots, except in areas where the Health Services Director has information that a water quality/quantity problem may exist. In this circumstance, the applicant may be required to provide a certain number of adjacent well logs to the Mason County Health Services Department. The number and location of these well logs shall be determined by the Health Services Director. The determination will be based on the local conditions and number of adjacent well logs available. These adjacent well logs would provide the County some data to review the adequacy of potable water. If an inadequate number of adjacent well logs exist, or the quantity/quality of the water is inadequate the Health Services Director may require that one well, or if one well is inadequate, additional wells be drilled, or a water source study be completed, prior to final plat approval.

3. Subdivisions or short subdivisions proposing surface water source shall provide evidence of a water right permit if required from the Washington State Department of Ecology and shall

1 construct the collection systems necessary to serve the subdivision
2 or short subdivision prior to final plat approval.

3
4 D. Large Lot Subdivisions

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6 1. Large Lot Subdivisions may be approved without establishment
7 of a water system by providing the following disclaimer on the
8 face of the plat:
9

Notice to Purchasers

The lots, parcels or tracts contained within this land segregation have been created without establishing a potable water supply. No building permit necessitating potable water will be issued without first satisfying potable water requirements as required by the Mason County Health Services Director.

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13 Section 5. **Minimum Standards of Water Quality**

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15 A. Prior to final approval of proof of potable water, new wells must be properly developed
16 and disinfected, and the parameters delineated below must be tested and proof of compliance
17 provided. The minimum standards for quality of available water supply are as follows:

- 18
19 1. For public water systems monitoring and minimum contaminant
20 levels (MCL) requirements as specified in the State Board of
21 Health Drinking Water Regulation, Chapter 246-290 WAC.
22
23 2. For individual water systems an absence of total coliform.
24
25 3. In areas of concern regarding water quality the Director of the
26 Mason County Department of Health Services may require that the
27 system be evaluated for the following health parameters:

28
29 Source Quality: Mason County Department of
30 Health Services requires that applicants document
31 that the source of water meet the quality health-
32 based criteria established in the State Board of
33 Health Drinking Water Regulation, Chapter 246-290
34 WAC for bacteriological standards, inorganic
35 contaminants with public health significance (e.g.

1 arsenic, barium, cadmium, chromium, fluoride,
2 lead, mercury, nitrate, selenium, silver, and
3 sodium), and organic contaminants with public
4 health significance (e.g. conductivity, pH,
5 turbidity).
6

7 4. In areas where other concerns about water availability may
8 exist (e.g. seawater intrusion, impact on instream flows, known
9 well interference), Mason County Department of Health Services
10 may require additional testing to verify the existence of an
11 adequate water supply.
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14 B. Mason County Department of Health Services shall require that a system be evaluated
15 for health parameters as delineated in this ordinance. All systems should provide safe
16 drinking water. Mason County Department of Health Services, when necessary, will
17 consult with Washington State Department of Health if the source is other than a properly
18 constructed well, and may require review of construction documents and other evidence
19 to verify the safety and reliability of the supply.
20

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22 **Section 6. Criteria for New Individual Water Supply Systems**
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24 A. An individual water system supply for potable water for a building shall be
25 adequate when:
26

- 27 1. The water system does not cause any detrimental interference
28 with existing water rights and is not detrimental to the public
29 welfare; and
- 30 2. The water system meets any and all citing criteria established
31 by state regulations and local ordinances, and is constructed in
32 compliance with state and local regulations; and
- 33 3. Meets minimum standards of water supplies delineated by this
34 and other health codes; and
- 35 4. All quantity and quality standards as delineated by this and
36 other health codes can be met.
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1 **Section 7. Criteria for Existing Public Water Supply Systems**

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3 A. Public water supply systems used for potable water shall be considered adequate
4 when:

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6 1. Prior to providing water to a lot, the operators of an
7 existing public water supply system shall ensure that their system
8 is within the scope of the system’s water rights (if applicable),
9 including authorized place of use, limitations on quantity of water
10 allowed for use, and ensure the number of connections authorized
11 to be served will not be exceeded; and

12
13 2. The public water supply system is registered with the
14 Washington State Department of Health and is absent from the list
15 of non-conforming systems published by them; and

16
17 3. A letter from an approved water purveyor states the
18 availability and capacity to provide water in compliance with the
19 State Board of Health Drinking Water Regulation Chapter 246-290
20 WAC and the State Surface and Groundwater Codes Chapter 90.03
21 and 90.44 RCW.

22
23 4. When necessary, Mason County Department of Health
24 Services, has consulted with the Washington State Department of
25 Health and has determined that there are no significant compliance
26 problems with the existing public water system.

27
28 **Section 8. Criteria for New Public Water Supply Systems**

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30 A. Prior to providing water for a new or existing building from a new public water
31 supply system, the operators shall ensure their system is within the scope of the
32 system’s water rights (if applicable), including authorized place of use, limitations
33 on quantity of water allowed for use, and ensure the number of connections
34 authorized to be served is not exceeded.

35
36 B. When a new public water system is proposed as the source of drinking water,
37 Mason County Department of Health Services will require full that the proposed
38 public water system is in full compliance with the State Board of Health Drinking
39 Water Regulation, Chapter 246-290 WAC, including certification of construction
40 of the new public water system.

41
42 C. Mason County Department of Health Services, when necessary, will consult with
43 Washington State Department of Health to determine the compliance status of a
44 new public water system.

1 D. All quality and quantity standards as delineated by this, and other Health Codes shall be
2 met.

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4 **Section 9. Criteria for Surface Water Supply Systems**

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6 A. A Department of Ecology Certificate of Water Right

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8 B. Appropriate method for disinfection as required by Mason County Health Services
9 Director and other applicable state standards.

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12 **Section 10. Waiver of Regulations**

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14 Whenever a strict interpretation of these regulations would result in extreme hardship, the Health
15 Services Director may waive such regulation or portion thereof: PROVIDED, that the waiver
16 is consistent with the intent of these regulations and that no public health hazard will result.

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18 **Section 11. Appeals**

19
20 Decisions of the Health Services Director or Building Official may be appealed to the Mason
21 County Board of Health. Appeals must be made in writing within 20 working days of the
22 decision which is being disputed. A hearing date shall be scheduled with the Board for their
23 next regular meeting. All appeals shall be sent to the Board in writing via certified mail with
24 return receipt requested.

25
26 **Section 12. Severability**

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28 In the event any section, subsection, or other portion of this regulation is for any reason held
29 invalid or unconstitutional by any court of competent jurisdiction, such section, subsection or
30 portion shall be deemed a separate provision of this regulation and such designation shall not
31 affect the validity of the remaining portions of this regulation.