

2007 Memorandum of Understanding between Ecology and Health

July/August 2007

Department of Ecology

Department of Health

Mission

Department of Ecology:
Support sustainable water resources management to meet the present and future water needs of people and the natural environment, in partnership with Washington communities.



Department of Health:
Protect the public health of the people of Washington state by assuring safe and reliable drinking water



Coordination between DOH and Ecology

- Identify agency liaison
- DOH – Consult annually to identify where further coordination is needed
- DOH – Compile annually a list of system's planning
- DOH – Provide access to system data
<http://www.doh.wa.gov/ehp/dw/sentry.htm>

Coordination between DOH and Ecology (cont'd)

- **Ecology – Consult with DOH on proposed rules**
- **Ecology – Maintain place of use maps**
- **Ecology – Determine municipal water suppliers**

Coordination between DOH and Ecology (cont'd)

- **Determine reliability criteria for non-permanent water rights**
- **Identify roles in water use efficiency**
- **Expedite water rights review for failing public water systems**

Coordination between DOH and Ecology (cont'd)

- **Coordinate review of water right analysis in DOH plan/eng documents**
- **Expand water rights place of use in DOH plan/eng documents**

Water Use Efficiency (WUE)

- Ecology uses DOH plan/eng data including WUE programs in water right decisions
- Ecology may include more stringent WUE requirements as water right conditions
- Ecology will consult with DOH in those situations

Expediting Water Rights Processing

Expediting Water Rights Processing

For public health & safety concerns

- **System is failing or in danger of meeting DOH quantity or quality standards**
- **Source failed or will fail after implementation of reasonable conservation**
- **Source can't meet quality standards and treatment costs unreasonable**
- **Source is unacceptable for human use**

Expediting Water Rights Processing (cont'd)

- **Upon request, DOH determines if concern exists**
- **If so, DOH notifies Ecology in writing**
- **Ecology determines if can expedite**
- **Ecology expedites processing**
- **Ecology consults with DOH**

Other Public Health and Safety Reviews

- **Required for a MWS to transfer unperfected surface water right**
- **Criteria slightly different than for expediting the processing of a water right**

Water Right Analysis Review

Water Right Analysis Review

Ecology reviews (Attachment A):

- Water system plans
- Small water system management programs
- Engineering documents for:
 - New sources
 - Increase in number of approved connections
 - New non-community water systems

Water Right Analysis Review

(cont'd)

- **DOH sends document to Ecology**
- **Ecology reviews & comments to DOH & water system**

Ecology review focused on:

- **Water rights**
- **Watershed “not inconsistency”**
- **Other water resource concerns with statutory authority**

Water Right Analysis Review

(cont'd)

- **Water system responds to Ecology comments**
- **DOH approves document**
- **DOH sends final copy of plan to Ecology**
- **DOH bases capacity analysis on system's physical and water right analysis**

Water Right Analysis Review

(cont'd)

If system & Ecology disagree:

- DOH notes concern in approval letter**
- Ecology provides technical assistance**
- If still disagreement, Ecology may issue enforcement**
- DOH supports Ecology's enforcement**

**Expanding a Water
Right's Place of Use
through
DOH Approved Document**

Expanding Place of Use through DOH Approved Document

Applicable DOH approved documents:

- Water system plan
- Small water system management program
- Coordinated water system plan
- Engineering document

Systems may still apply to Ecology for expansion

Expanding Place of Use through DOH Approved Document (cont'd)

Systems must be:

- **In compliance with the terms of the water system plan or small water system management program**
- **“Not inconsistent” with local plans & development regulations**
- **“Not inconsistent” with approved or adopted watershed plans**

In Compliance with Terms of Planning Document

Applies to following elements:

- **Plan approval date**
- **Water use efficiency**
- **Service area identification**
- **Local government consistency**
- **Evaluation of reclamation
(> 1,000 connections)**
- **Water rights**

In Compliance with Terms of Planning Document (cont'd)

Compliance will be determined when:

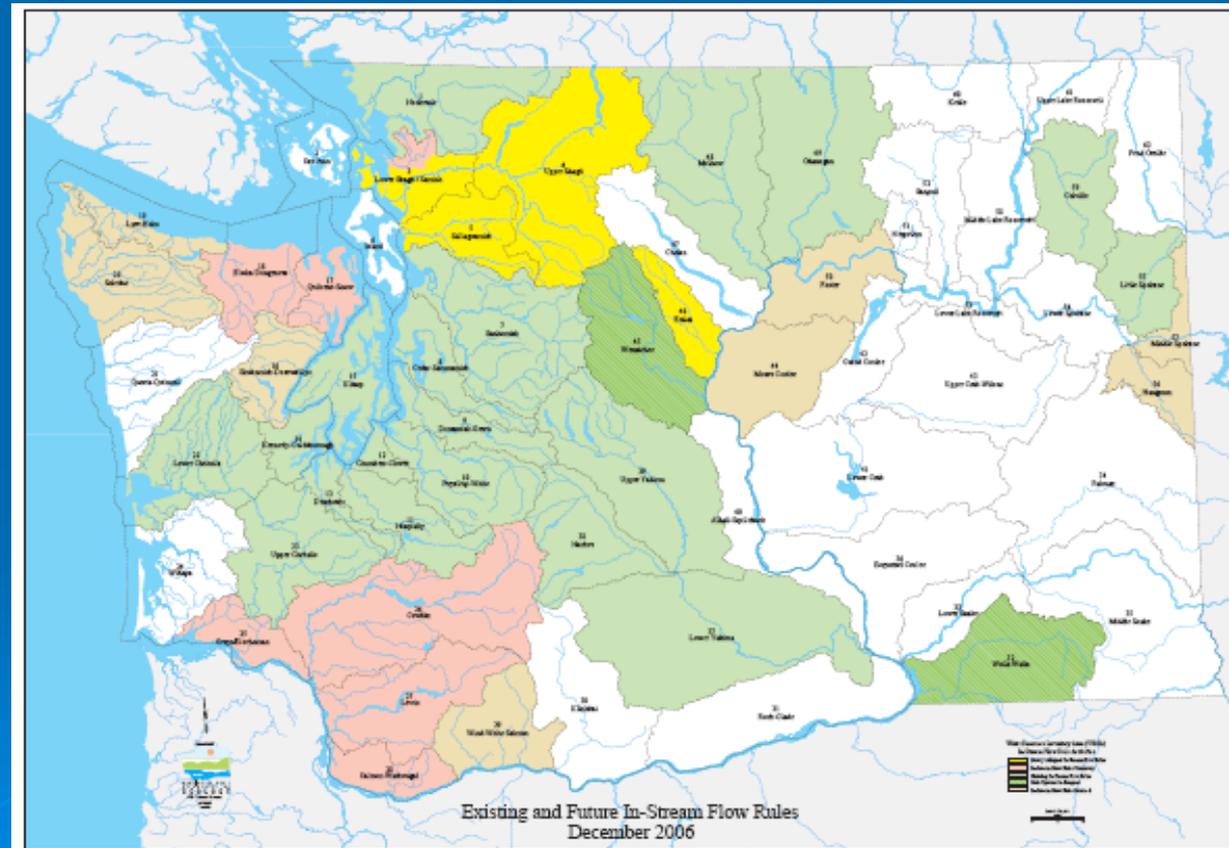
- DOH approves planning document**
- DOH approves engineering document approval affecting an applicable element**
- DOH or Ecology receives a verifiable reasonable concern**

“Not Inconsistent” with Local Plans & Regulations

- Applies to comprehensive plans, land use plans, and development regulations**
- DOH uses same process**
- For systems selling water, must include wholesale customers**

“Not Inconsistent” with Watershed Plans

- Ecology makes determination
- Applies to approved or adopted watershed plans (after 9/3/03)



Compliance for Place of Use Expansion

If compliance/inconsistency concern with
specified element is raised:

- Agency notifies water system
- Water system must respond to concern

Compliance for Place of Use Expansion (cont'd)

- **If compliance or inconsistency is unresolved, agencies will use existing enforcement authorities**
- **Agencies begin with technical assistance and use increasing enforcement as needed.**
- **Goal is to maintain compliance not to revert the place of use**

Compliance for Place of Use Expansion (cont'd)

If enforcement occurs on one of the compliance/consistency elements:

- Place of use will be reverted to the service area in the last plan (if approved after 9-3-03).**
- If no plan, then to the place of use in the water right.**

Guidance Development

- Joint Review Procedures
- Water Rights Self Assessment Form
- Expediting Water Rights Review for Public Health and Safety Concerns Procedures
- Service Area Fact Sheet
- Determining Municipal Water Suppliers

Guidance Development (cont'd)

- **Local Government Consistency Checklist**
- **Watershed Planning Procedures**
- **Ecology's Review ^{Health} Prioritization for Plan/Eng Documents**
- **Ecology's Review Checklist for Source Approvals**

Additional Information

Department of Ecology
Water Resources Program

<http://www.ecy.wa.gov/programs/wr/wrhome.html>

Department of Health
Office of Drinking Water

http://www.doh.wa.gov/ehp/dw/municipal_water/municipal_water_law.htm

Questions?

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