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

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 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_r/municipal_water_law.htm
Questions?
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