Coordination of Water Resources with Public Water Systems

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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 Health & Ecology

- Water rights review in DOH documents
- Water rights place of use expansion in DOH documents
- Expediting water rights review for public health & safety concerns
- Water use efficiency in water right documents
Water Rights Review in Planning & Engineering Documents

Ecology will review:

- Water system plans
- Small water system management programs
- Engineering documents for:
  - Source approvals
  - Increase in number of approved connections
  - New water system approvals
Process for Water Rights Review

- DOH sends document to Ecology
- Ecology reviews & comments to DOH & water system
- Water system responds to Ecology comments
Process for Water Rights Review (cont’d)

- DOH approves document
- DOH bases capacity analysis on water system’s physical and water right analysis
Water Rights Compliance

If water system & Ecology disagree:

- DOH will note concern in approval letter
- Ecology will provide technical assistance
- If still disagreement, Ecology may issue enforcement
- DOH will support Ecology’s enforcement
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
Expanding Place of Use through DOH Approved Document (cont’d)

Factors which must be met:

- Must be “not inconsistent” with local plans & development regulations
- Must be “not inconsistent” with approved or adopted watershed plans
- Must be in compliance with the terms of the water system plan or small water system management program
“Not Inconsistent” with Local Plans & Regulations

- DOH will make determination
- Applies to comprehensive plans, land use plans, and development regulations
- DOH developing rules, finalize by end of 2007
“Not Inconsistent” with Local Plans & Regulations (cont’d)

- Water system requests local government to determine consistency within 60 days

- DOH will request water system & local government work out any disputes
“Not Inconsistent” with Local Plans & Regulations (cont’d)

- If local government does not respond, water system may sign off on consistency

- DOH will make final consistency determination
“Not Inconsistent” with Watershed Plans

- Ecology will make determination
- Applies to 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 plan/engineering document
- DOH approves engineering document
  approval affecting an applicable element
- DOH or Ecology receives a verifiable reasonable concern
In Compliance with Terms of Planning Document (cont’d)

If compliance/inconsistency concern with specified element is raised:

- Agency will notify water system
- Water system must respond to concern
In Compliance with Terms of Planning Document (cont’d)

- If compliance or inconsistency is unresolved, agencies will use existing enforcement authorities.

- Agencies will begin with technical assistance and use increasing enforcement as needed.
Expediting Water Rights Review

- May expedite if public health & safety concern

- Upon request, DOH will determine if public health & safety concern exists
  - System is failing or in danger of meeting DOH standards for quantity or quality
  - Do not consider growth a health and safety concern
Expediting Water Rights Review (cont’d)

- If public health and safety concern, DOH will notify Ecology in writing
- Ecology will determine if can expedite
- Ecology will consult with DOH in making determination
- Ecology will expedite review
Water Use Efficiency and Water Rights

- Water systems must follow DOH’s water use efficiency requirements

- In rare situations, Ecology may include more stringent water use efficiency requirements as water right conditions

- Will consult with DOH in those situations
Next Steps

- Finalize Memorandum of Understanding (May 2007) *(hoping to remove)*
- Train staff (May – June 2007)
- Develop additional guidance (June – July 2007)
- Designate agency liaisons to resolve other water resource concerns
Ecology Interpretive and Policy Statement

Important Concepts

- Describes what we think the law means and how we intend to implement
- Defining what qualifies as “municipal”
- “Once a muni, always a muni?” - No
Web sites

Water Resources Program
Municipal Water Law information:
http://www.ecy.wa.gov/programs/wr/wrhome.html

Includes:
1. The Municipal Water Law
2. Interpretive and Policy Statement
3. Law suit information
4. MOUs
5. And more
Questions?
For More Information

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