

1 It is expressly the purpose of this Title to provide for and promote the health, safety and
2 welfare of the general public and the environment. This Title is not intended to create or
3 otherwise establish or designate any particular class or group of persons who will or
4 should be especially protected or benefitted by its terms.

5 **Chapter 13.03**

6 **Definitions**

7 **13.03.010 Adequate Water Supply Determination.** An Adequate Water Supply
8 Determination is performed by KCPHD to determine if the water system being proposed
9 is adequate in the ability to supply potable water and protect health and safety of the
10 users of the water system.

11 **13.03.020 Cistern System.** A cistern system is an individual water system designed to
12 receive trucked potable water (which may be supplemented with rainwater) that is
13 stored in a cistern or water storage tank until delivery of the water through a treatment
14 system to the tap or other end use in a dwelling unit.

15 **13.03.030 Cistern Source.** The potable water to be placed in a Cistern System shall
16 be transported from a community_Group A water system. This potable water may also
17 be supplemented with rainwater.

18 **13.03.040 Dwelling Unit.** A dwelling unit is defined as a single unit providing complete
19 independent living facilities for one or more persons, including permanent provisions for
20 living, sleeping, eating, cooking or sanitation that use potable water. Examples of a
21 dwelling unit include, but are not limited to: a single family home, a guest cabin with
22 potable water, studio apartment, converted garage with potable water added, etc.

23 **13.03.050. Fill.** Soil materials that have been displaced from their original location.

1 **13.03.060 Four-Hour Draw Down Test.** A four-hour draw down test is defined as a
2 pump test that determines the maximum system design rate with a duration of at least
3 four hours to establish information related to performance and efficiency of the well to
4 demonstrate adequacy of water quantity to meet design criteria while not leading to
5 water quality problems. A four-hour draw down test submitted to KCPHD shall
6 encompass pump flow data at least every 30 minutes throughout the entire four hour
7 duration that includes, but is not limited to: GPM measured, static level measured, and
8 pumping level. A four-four draw down test shall be performed by a licensed well driller
or pump installer.

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10 **13.03.070 Group A Public Water System.** A Group A public water system is defined
11 by RCW 70.119.020 as having fifteen or more service connections, regardless of the
12 number of people; or a system serving an average of twenty-five or more people per
13 day for sixty or more days within a calendar year, regardless of the number of service
14 connections; or a system serving one thousand or more people for two or more
15 consecutive days. The Washington State Department of Health has the final authority
to determine what qualifies as a Group A public water system.

16 **13.03.080 Group B Public Water System.** A Group B public water system is defined
17 by RCW 70.119A.020 and the Joint Plan of Responsibility. A Group B water supply
18 system serves fewer than 15 connections and serves fewer than twenty five people. A
19 water supply system serving three to nine dwelling units and other non-residential small
20 systems serving fewer than 10 service connections and fewer than 25 people are under
KCPHD approval authority.

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22 **13.03.090 Health Officer.** "Health Officer" means the Health Officer of the Kittitas
23 County Public Health Department or the Health Officer's authorized representative.

1 **13.03.100 Individual Water System.** A water system that serves a single residential
2 dwelling unit. KCPHD has the final authority to determine what qualifies as a individual
3 water system.

4 **13.03.110 KCPHD.** Kittitas County Public Health Department.

5 **13.03.120 KCPHDFS.** Kittitas County Public Health Department Fee Schedule, as most
6 recently proposed by the Board of Health and then set by resolution of the Board of
7 County Commissioners.

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9 **13.03.130 Person.** Person means a natural person, joint venture, partnership,
10 association, club, company, corporation, business trust, or organization, or the
11 manager, lessee, agent, officer, or employee of any of them.

12 **13.03.140 Premises.** The building or accompanying land of a lot, tract or parcel.

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14 **13.03.150 Shared Water System.** A water system that serves two residential dwelling
15 units. KCPHD has the final authority to determine what qualifies as a shared water
16 supply system.

17 **13.03.160 Storage Unit.** A storage unit is designed by a licensed engineer to hold
18 water until needed for use in a dwelling unit. A storage unit can include, but is not
19 limited to, a cistern, water storage tank and a flow equalization tank.

20 **13.03.170 Treatment System.** A treatment system is designed by a licensed engineer
21 to remove contaminates from water to ensure that the water is potable prior to use.

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23 **13.03.180 Water Distribution System.** The water distribution system is the system
24 that delivers water from the water source throughout the building until use in the building

1 or at the faucet. It includes but is not limited to pipes, pumps, flow equalization tanks,
2 cisterns or water storage tanks, water treatment systems, and appurtenances.

3 **13.03.190 Water Quality Test.** A Water Quality Test is a test performed on a drinking
4 water sample to determine if the water is considered potable by KCPHD. The following
5 standards are adopted as passing water quality tests:

- 6 1. Group A water supply systems shall meet the standards in Chapter 246-
7 290 WAC for testing, water quality standards and monitoring;
- 8 2. Group B water supply systems shall meet the standards in Chapter 246-
9 291 WAC for testing, water quality standards and monitoring; and
- 10 3. Individual water systems, shared water systems and water haulers shall
11 meet the standards in Chapter 246-291 WAC for water quality standards.
12 At a minimum, a water quality test for individual water systems, shared
13 water systems and water haulers shall include a nitrate and
14 bacteriological test, and KCPHD may require additional tests to ensure
15 water is potable.

16 **13.03.200 Water Source.** The water source is the origin of the water to be used as a
17 potable water supply. An allowed water source is a direct connection to a Group A
18 public water system in green or yellow status, a direct connection to an approved Group
19 B public water system, a groundwater well that is not under the influence of surface
20 water, or a cistern supplied from a Group A water system with optional supplemental
21 rainwater collection. The method of constructing the water source and the use of the
22 water source shall comply with any applicable federal, state and local requirements.
23 KCPHD has the final authority to determine what an allowed water source is.

24 **13.03.210 Water System.** A water system is a water source connected to a water
25 distribution system for one or more dwelling units or commercial businesses.

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3 **Chapter 13.20**

4 **Well Construction, Reconstruction and Decommissioning Requirements**

5 **Sections**

6
7 **13.20.010 Authority**

8 **13.20.020 Applicability**

9 **13.20.030 Notification.**

10 **13.20.040 Well Location**

11 **13.20.050 Well Construction**

12 **13.20.060 Appeals.**

13 **13.20.010 Authority.** The following Chapter is adopted per Chapter 70.05 RCW,
14 Section 18.104.043 RCW, the Joint Plan of Responsibility between Washington State
15 Department of Health and Kittitas County Public Health Department (KCPHD), and the
16 Interagency Agreement between the Department of Ecology and the KCPHD in order
17 for KCPHD to inspect and enforce well construction, reconstruction and
18 decommissioning pursuant to state and local laws.

19 **13.20.020 Applicability.** This Chapter applies to all well construction, reconstruction
20 and decommissioning activities in Kittitas County.

21 **13.20.030 Notification.** Adequate notice shall be given to KCPHD prior to any well
22 construction, reconstruction or decommissioning activities.

23 1. Well Site Review. The owner or authorized agent shall:

1 a. Submit a completed application for well site review with any applicable
2 fees to KCPHD at least 72 hours in advance of any well construction or
3 reconstruction activities; and

4 b. Arrange a well site inspection with KCPHD to determine the well
5 location if the well will supply a Group A or Group B public water
6 system.

7 2. Notification of Drilling. The well driller shall:

8 a. Submit a completed Notification of Drilling form to KCPHD at least 72
9 hours in advance of any well construction, reconstruction or
10 decommissioning activities; and

11 b. Re-submit an updated and complete Notification of Drilling form if the well
12 construction, reconstruction or decommissioning activity date changes
13 from the original submission.

14 **13.20.040 Well Location and Access**

15 1. All wells shall be located in accordance with the following rules:

16 a. Minimum Standards for Construction and Maintenance of Wells (Chapter
17 173-160 WAC);

18 b. Developments, Subdivisions and Minimum Land Area Requirement rules
19 for Positioning of On-Site Sewage Systems (Chapter 246-272A WAC);

20 c. The Joint Plan of Responsibility;

21 d. The site's unique physical features and structures so that the well is
22 protected from contamination; and

23 e. Any other applicable federal, state or local law.

24 2. A well for a Group A Water System shall also be located:

25 a. In accordance with Source Water Protection rules for Group A Water
Systems (Section 246-290-135 WAC);

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3. A well for a Shared or Group B Water System shall also be located:
 - a. In accordance with Ground Water Source Approval and Protection Rules for Group B Water Systems (Chapter 246-291 WAC), including but not limited to a minimum one hundred foot sanitary control area and a duly recorded restrictive covenant;
 - b. So that all properties within the well's sanitary control area are being served by the well; and
 - c. So that no road is within the sanitary control area. The meaning of road for this Chapter shall include but is not limited to, any county, state or federal right of ways and any private road. Driveways are not considered roads under this Chapter.
 4. A well for a Shared or Group B Water System shall have a recorded easement granting access to the well, pump house and pipeline to the future owners of the water system.
 5. A well for an individual water system shall also be located:
 - a. In accordance with Well Head Protection regulation (Section 17A.08.025 KCC); and
 - b. So that no road is within fifty (50) feet of the well. The meaning of road for this Chapter shall include but is not limited to, any county, state or federal right of ways and any private road. Driveways are not considered roads under this Chapter.

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3 **13.20.050 Well Construction**
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- 5 1. Wells shall be constructed in accordance with:
- 6 a. Well Tagging, Sealing and Decommissioning sections of Water Well
7 Construction (Chapter 18.104 RCW);
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- 9 b. Well Tagging, Sealing and Decommissioning sections of Minimum
10 Standards for Construction and Maintenance of Wells (Chapter 173-160
11 WAC); and
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- 13 c. Any other applicable state or local law.
- 14 2. If any wells are constructed in violation of the state or local law that is applicable
15 at the time of construction, KCPHD may require decommissioning the violating
16 well and installation of a complying well at the expense of the owner.
- 17 3. If any existing wells are included as part of a subdivision or building permit
18 application, the well shall comply with all current state and local regulations, or
19 the well shall receive approval from KCPHD to be exempt from current
20 regulations.

21 **13.20.060 Appeals.** Any applicant who is aggrieved by a decision by KCPHD regarding
22 well tagging, sealing and decommissioning shall appeal the decision to the Department
23 of Ecology through the Pollution Control Hearing Board per Chapter 43.21B RCW.
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3 **Chapter 13.25**

4 **Cistern Water System Requirements**

5 **Sections:**

6 **13.25.010 Authority**

7 **13.25.020 Applicability**

8 **13.25.030 Licensing of Commercial Potable Water Haulers.**

9 **13.25.040 Water Hauler Equipment and Treatment Requirements.**

10 **13.25.050 Initial Water Hauler License Period.**

11 **13.25.060 Ongoing Water Hauler License Requirements.**

12 **13.25.070 Suspension, Revocation, and Denial of Water Hauler License**

13 **13.25.080 Cistern System: Source Requirements**

14 **13.25.090 Cistern System: Design and Treatment Requirements**

15 **13.25.010 Authority.** The following Chapter is adopted per Chapter 70.05 RCW and
16 Chapter 19.27 RCW.

17 **13.25.020 Applicability.** Chapter 13.25 KCC applies to all truck transportation of bulk
18 potable water, and cistern system construction and maintenance in Kittitas County.
19 Cistern systems are only permissible as a water source for single dwelling unit
20 residences upon a showing that no other potable water source is available upon the
21 property as detailed in Section 13.25.080 KCC. No potable water hauling or cistern
22 system shall be permitted for two or more dwelling units served by a common storage
23 and piping system, and no potable water hauling or cistern system shall be permitted for
24 any commercial use, including use of a single dwelling unit for day care, bed and
25 breakfast, group home, hair stylist, food producer under a WA Dept. of Agriculture

1 license, or other commercial use. An application for subdivision shall not use cisterns to
2 demonstrate that appropriate provisions for potable water supplies are provided for.

3 **13.25.030 Licensing of Commercial Potable Water Haulers.**

4 1. Initial License Requirements. All persons engaged in the commercial
5 transporting of bulk potable water shall obtain a license from KCPHD. In order to
6 receive a license, the following shall be submitted to KCPHD:

7 a. A completed application and fee, including a notarized signed statement
8 that:

- 9 i. The equipment to be used meets the requirements in this Section;
10 ii. The applicant understands and will comply with the treatment
11 requirements in this Section; and
12 iii. The applicant understands that the source for all water to be
13 delivered to water storage systems is a Group A water system.

14 b. Proof of Insurance:

- 15 i. Commercial General Liability and Auto Insurance in the amount of
16 one million per incident and two million dollars aggregate; and
17 ii. Pollution Liability Insurance in the amount of one million dollars per
18 incident and two million aggregate.

19 c. A passing inspection by KCPHD of the equipment within 60 days prior to
20 the submission date of the completed application. A passing inspection
21 includes but is not limited to: a passing water quality test after the initial
22 holding tank disinfection, passing equipment test, and the ability to fill a
23 truck container through an air gap or a backflow prevention device.

24 2. A license is not required of any person who performs labor or services under the
25 direct supervision of a licensed potable water hauler, any private water system
owner who performs work on the private water system serving his or her dwelling
house, or any person who aids the owner with this work without compensation.
However, persons exempt from licensing under this paragraph shall comply with

1 all applicable sections of this chapter. For purposes of this Chapter, "direct
2 supervision" means that a licensed potable water hauler instructs and controls
3 the person claimed to be supervised and that the licensed water system
4 contractor is responsible for the actions of that person and is reasonably
5 available if and when needed, even though such licensed potable water hauler
6 may not be physically present at the work site.

- 7 3. Every licensee shall maintain and submit to KCPHD such complete and accurate
8 records as may be required for determining compliance with all applicable rules
9 of this Chapter.

10 **13.25.040 Water Hauler Equipment and Treatment Requirements.** All potable water
11 haulers shall comply with the requirements of this rule, regardless of the licensing
12 requirement in Section 13.25.030 KCC.

13 1. Equipment.

- 14 a. The holding tank on the truck to be utilized shall only be used to transport
15 potable water, and shall not have been used to transport any other
16 substance. The holding tank shall not have been previously used to
17 transport a noxious, hazardous, or a toxic substance or liquid;
- 18 b. Each holding tank shall display the name, water hauler license number
19 and telephone number of the licensed water hauler;
- 20 c. The holding tank shall be completely enclosed and tightly sealed, with
21 lockable hatches or lids. The inlet or opening to every holding tank shall
22 be so constructed to prevent the entrance of insects, rodents or other
23 foreign material that may cause contamination of water. With the
24 exceptions of cleaning or filling the tank, the inlet openings shall be kept
25 closed at all times;
- d. All holding tanks shall be filled or emptied through an air gap or approved
double-check valve assembly, in accordance with Section 246-290-490
WAC;

- 1 e. All equipment used in this distribution of water shall be clean and sanitary
and protected from contamination at all times; and
- 2 f. Flexible connector ends shall be protected and capped at all times except
3 during filling or emptying of the transportation equipment.

4 2. Initial Truck Disinfection

- 5 a. All equipment that is being used for the first time to transport potable water
shall be disinfected using the procedures in this section.
- 6 b. The holding tank shall be scrubbed.
- 7 c. All rust and sediment shall be rinsed or flushed from the holding tank.
- 8 d. The holding tank shall be visually inspected to ensure that the tank is
9 clean, in good condition and free of contaminants.
- 10 e. The holding tank shall be completely filled with water containing at least
11 50 ppm of chlorine (disinfection solution). The chlorine shall be added to
the tank in proportion to the water in order to ensure adequate mixing.
- 12 f. The disinfection solution shall be held in the holding tank for at least
13 twenty four contiguous hours. All hoses, pumps and other equipment
14 using in handling water shall be disinfected the same way.
- 15 g. It is the responsibility of the water hauler to ensure that the disinfecting
16 solution is disposed of according to state and local waste disposal
regulations.
- 17 h. Once the holding tank is empty of the initial disinfecting solution, the tank
18 shall be refilled with the water to be transported and tested for coliform
19 bacteria. If coliforms are present, the tank shall not be used unless the
20 disinfection process is completed again, and the end test is free of
coliforms.

21 3. Potable Water Treatment.

- 22 a. Each tank load of water shall be dosed with a sufficient amount of chlorine
23 to produce a minimum chlorine residual of two tenths parts per million at
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1 delivery of the water and shall not exceed a maximum chlorine residual of
2 four (4.0) parts per million at delivery of the water.

- 3 b. A water hauler shall keep equipment to test the free residual of chlorine in
4 the tank and shall test the tanks of water that are delivered. If less than
5 two tenths ppm is detected then the hauler shall add sufficient chlorine to
6 obtain the residual chlorine concentration required by Section
7 13.25.040(3)(a).

8 4. Handling Equipment

- 9 a. All handling equipment used in the operation shall be stored off the ground
10 at all times.
11 b. All handling equipment shall be thoroughly flushed, disinfected with the
12 procedures in Section 13.25.040(2) KCC, and then flushed again with the
13 source water prior to each use.
14 c. All hoses shall be capped at both ends when not in use.
15 d. All handling equipment shall be regularly inspected, and disinfected or
16 replaced as needed.
17 e. All handling equipment shall be designed for potable water, and shall be
18 capable of being disinfected.

19 5. Annual Inspection.

- 20 a. All transportation equipment used in the distribution of water by licensed
21 water haulers shall be inspected for compliance with this rule annually by
22 KCPHD.

23 6. Records.

- 24 a. Both the licensed water hauler and owner of the receiving cistern system
25 shall keep a record of all deliveries of water. The records shall be made
available to KCPHD upon request. Records shall include:

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- i. The quantity delivered per trip;
 - ii. The approved water source(s) used;
 - iii. Dates and times of delivery and free chlorine residual at point of delivery;
 - iv. The chlorine dose at the fill point and the free chlorine residual after filling; and
 - v. Any notes regarding the receiving cistern system.
- b. Licensed water haulers shall keep the following records in all trucks approved for water hauling at all times. The log shall include:
- i. A record of any current water in the tank, including the community Group A system where the water originated from, where the water is going, and the free chlorine residual directly after filling the tank;
 - ii. The date the truck, holding tank and handling equipment was last inspected by KCPHD; and
 - iii. The date the holding tank and handling equipment was last disinfected using the procedures in Section 13.25.040(2), and the *coliform* test results after disinfection.

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7. Ongoing Equipment Maintenance.

- a. The water contact surfaces and equipment shall be cleaned and disinfected:
- i. Before it is put into use;
 - ii. When the system or any of its parts have been dismantled or replaced for purpose of repair, maintenance or alteration;
 - iii. Any time contamination is suspected; and
 - iv. Yearly for license renewal.

8. Monthly Reporting Requirements.

- a. Every month, all licensed water haulers shall submit to KCPHD:

- 1 i. The passing results of a coliform test performed that month for
2 each delivery vehicle used to transport water; and
3 ii. All delivery records maintained per Section 13.25.040(6) KCC.

4 9. KCPHD may order any water hauler to cease water deliveries or the use of any
5 water transportation equipment for violation of this rule or if KCPHD suspects
6 contamination of the water hauling equipment or the hauled water.

7 **13.25.050 Initial Water Hauler License Period.** The initial License is valid for one
8 year, and will automatically lapse at the end of the year unless the Water Hauler follows
9 the ongoing license requirements in Section 13.25.060 KCC.

10 **13.25.060 Ongoing Water Hauler License Requirements.** In order to maintain a
11 Water Hauler License, a yearly renewal application, fee and passing annual inspections
12 for all equipment shall be submitted to KCPHD. A passing inspection includes but is not
13 limited to: a passing water quality test after the initial tank disinfection, passing
14 equipment test, and the ability to fill a truck container through an air gap or a backflow
15 prevention device.

16 **13.25.070 Suspension, Revocation, and Denial of Water Hauler License.**

- 17 1. KCPHD may suspend, revoke, or deny any potable water hauler license for
18 violation of the requirements of this chapter.
- 19 2. Grounds for suspension, revocation, or denial of a potable water hauler's license
20 shall include, but not be limited to:
- 21 a. A material misstatement or falsification of facts in the application for a
22 license or obtaining a license through fraud or misrepresentation;
- 23 b. A material misstatement or falsification of facts in any records kept for the
24 purposes of complying with Kittitas County Code;
- 25 c. A violation of the conditions of the potable water hauler's license;

- 1 d. A violation of any applicable rule of this chapter;
2 e. Failure to maintain commercial drivers license;
3 f. Failure to maintain insurance as required under this rule;
4 g. Conviction in any criminal proceeding or failure to comply with a judgment
5 or order that is issued by the court in any civil proceeding in connection
6 with a private cistern system;
7 h. Aiding or abetting an unpermitted business or person to evade the
8 requirements of this Chapter, allowing one's permit to be used by an
9 unpermitted person, or acting as an agent, partner or associate of an
10 unpermitted person with the intent to evade the provisions of this Chapter;
11 i. A demonstrated incompetency to act in the business or businesses for
12 which a license is held; or
13 j. The transportation of water from a source other than a Group A water
14 system.

- 15 3. Upon the revocation, suspension, or denial of a license, the water hauler may
16 appeal through the appeal process in Chapter 13.85 KCC.

17 ***Section 13.25.080***

18 ***Cistern System: Source Requirements***

- 19 1. Prior to approval for an Adequate Water Supply Determination for a proposed
20 cistern system, the applicant shall provide proof of the following:
21 a. A notarized statement that:
22 i. There are no other potable water sources available on the property;
23 ii. Water budget neutrality is not available for the property; or an
24 application for water budget neutrality was submitted and no
25 response was received approving water budget neutrality within 45
days; and

1 iii. That the water to be transported to the cistern system shall
2 originate from a community Group A water system that is in green
3 or yellow status with the state Department of Health.

4 b. A letter from the water purveyor of the community Group A public water
5 system in which the water purveyor:

6 i. Agrees to supply the minimum amount of water per month as
7 determined in Section 13.25.090(1)(c) KCC; and

8 ii. Is capable of supplying water to cisterns because the water
9 purveyor has either:

10 1. Obtained an amendment to the water system plan which
11 includes a change of service area from Department of
12 Health. The change of service area shall allow for the
13 distribution of water to cisterns, and comply with Section
14 246-290-107 WAC regarding the expansion of place of use;

15 or

16 2. Obtained a place of use amendment from Department of
17 Ecology which allows the community Group A public water
18 system to provide water to cisterns in the cistern location.

19 c. A *Notice of an Alternative (Non-standard) Water Source* is filed with the
20 County Auditor's office for the property where the cistern system will be
21 located. The *Notice* shall include :

22 i. Potable water is supplied via a cistern system on the property;

23 ii. The number of people the dwelling unit is designed for;

24 iii. The gallons per day that will be available to each person;

25 iv. The estimated number of days between storage unit refills if the
 cistern system is used as designed and the dwelling unit is used as
 a primary residence; and

- 1 v. That the owner of the property is required to maintain the cistern
2 according to the *Operations and Maintenance Plan* filed with the
3 County Auditor's office.

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5 2. **Rainwater.** Rainwater is an acceptable supplemental source of water when the
6 requirements in Section 13.25.080(1) KCC are met. Rainwater is not permitted
7 as the sole water source for a property.

8 **Section 13.25.090**

9 ***Cistern System: Design and Treatment Requirements***

10 **1. Design Standards.**

- 11 a. All applications for an Adequate Water Supply Determination that include
12 a cistern system shall be submitted by a professional engineer and bear
13 the engineer's seal and signature. This includes all rainwater components
14 of a cistern water system.
- 15 b. The capacity of the storage unit for the cistern water system shall be
16 adequate to meet the intended needs of the household. No storage of less
17 than two thousand five hundred gallons capacity per dwelling unit shall be
18 installed.
- 19 c. The minimum amount of water that is needed by the dwelling unit on a
20 monthly basis shall be calculated by the following formula: (the number of
21 people the dwelling unit is designed for) x (75 gallons/day) x (30 days).
22 The minimum amount is not required to be delivered by truck to the
23 dwelling unit, however, the water purveyor shall agree to provide at least
24 that amount to the dwelling unit.
- 25 d. Water obtained from cistern water systems shall be continuously treated
as prescribed in Section 13.25.090(2) KCC.

- 1 e. Prior to approval of Adequate Water Supply Determination, an *Operations*
2 *and Maintenance Plan* with specific schedules based on manufacturers'
3 recommendations shall be recorded with the County Auditor by the
4 applicant. The schedules shall include potable water testing, operations
5 and maintenance, equipment testing, and equipment replacement.
6 f. Any rainwater components of the cistern water system shall be designed
7 in accordance with all State Department of Ecology and Health policies,
8 rules and regulations regarding rainwater use for potable water. Rainwater
9 is a surface water for the purposes of determining treatment standards.
10 g. KCPHD may require outdoor signage denoting the location of the cistern
11 dependant on where the cistern is located and other site specific factors.

12 **2. Potable Water Treatment Requirements.** Cistern water systems shall be
13 provided with continuous treatment, as provided in this Section.

- 14 a. All treatment systems and *Operations and Maintenance Plans* shall be
15 submitted by a professional engineer and bear the engineer's seal and
16 signature and conform to all applicable treatment standards necessary for
17 potable water. Possible treatment systems may include, but are not
18 limited to chlorination, iodination, ultraviolet, ozone, filtration or reverse
19 osmosis. All water withdrawn from the cistern for use inside the dwelling
20 shall be suitably treated.
21 b. All treatment systems shall ensure the protection of the health of the
22 persons served by that system.
23 c. An owner of a cistern system that has treatment shall maintain a test kit or
24 appropriate testing equipment to determine the treatment residuals and
25 shall periodically test the water for residual levels after treatment has
occurred. With all treatment systems, the owner shall also test for
coliforms on a regular basis. The testing schedules shall be documented
in the *Operations and Maintenance Plan* recorded with the County Auditor.

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2 **3. Signage Requirements.** In all situations where water is supplied from a cistern
3 system, a permanent sign shall be posed in a prominent position inside the
4 dwelling in close proximity to the main water faucet that:

- 5 a. Describes the type of water source;
6 b. Describes the type of continuous treatment system; and
7 c. Warns users of the possible health risks.

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9 **4. Record Keeping.** All owners of a cistern system shall keep the following records
10 and submit the records to KCPHD yearly.

- 11 a. Records of all maintenance performed on the cistern system, including the
12 storage and treatment portions;
13 b. Records of the dates and results of all tests performed to determine
14 treatment residuals and presence of any harmful contaminants such as
15 coliforms.
16 c. Records of all potable water deliveries, including the date, the water
17 hauler who made the delivery, the amount of water delivered, the source
18 of the water, and the chlorine residual in the storage unit after delivery.
19 d. An annual passing water quality test (see Section 13.03.130 KCC).

20 **5. Inspections.**

- 21 a. Prior to use, a cistern system shall be inspected by KCPHD. At a
22 minimum, the inspection will require:
23 i. As-built drawing are complete and submitted to KCPHD;
24 ii. A passing water quality test (see Section 13.03.130 KCC);
25 iii. A passing physical inspection; and

1 1. All applicants for a Group B water system serving fewer than 10 connections and
2 fewer than 25 people shall meet the following requirements.

3 **a. Application.**

4 1. Submit completed application materials to KCPHD,
5 including:

6 a. A completed application, including a completed
7 Group B workbook that complies with Chapter 246-
8 291 WAC;

9 b. A valid Satellite Management Agency (SMA)
10 agreement; and

11 c. Any applicable fees.

12 2. The application shall be submitted by a licensed engineer
13 and bear the engineer's seal and signature when required by
14 Section 246-291-040 WAC.

15 3. Incomplete application materials will be returned to the
16 applicant.

17 **b. Water Source.** The Group B water source shall meet the following
18 requirements:

19 *i.* If the Group B public water system includes groundwater wells,
20 then the wells are sited and constructed according to all state and
21 local law.

22 *ii.* Well construction is complete prior to approval of Group B system.
23

1 iii. The source shall meet minimum flow or quantity requirements for
2 the planned Group B public water supply system per Chapter 246-
3 291 WAC.

4 iv. Source water shall meet Chapter 246-291 WAC water quality
5 requirements and pass any other water quality tests determined
6 necessary by KCPHD.

7 **c. Water Distribution System:** The Group B water distribution system shall
8 meet the following requirements:

9 i. Group B Public Water Systems (Chapter 246-291 WAC);

10 ii. Any requirements as outlined in the Joint Plan of Responsibility
11 between the State of Washington Department of Health and
12 KCPHD, including but not limited to: Group B Water System
13 Approval Guideline, DOH Pump Test Policy, and Hypochlorination
14 Facilities for Small Systems Approval Checklist.

15 iii. Any other applicable federal, state or local regulations.

16
17 2. All applicants for a Group B water system with 10 or more connections shall meet
18 the application requirements as determined by the Washington State Department
19 of Health.

1 **13.30.020 Group B Water Systems - Bonding**

2 **I. Authority of the Public Health Administrator.**

3 The Administrator of the Kittitas County Public Health Department, or the
4 Administrator's designee, shall have the authority, on behalf of the County, to ascertain
5 whether proposed Group B water systems comply with all state and local engineering,
6 design and construction standards as set forth in the Joint Plan of Responsibility
7 between the State of Washington Department of Health and the Kittitas County Public
8 Health Department. (Ord. 2008-05, 2008)

8 **II. Cost Estimates and Construction Bonds.**

9 Failure to comply with all state and local engineering, design and construction standards
10 as set forth in the Joint Plan of Responsibility between the State of Washington
11 Department of Health and the Kittitas County Public Health Department may result in
12 denial of plan or development permit approval, revocation of prior approvals, or legal
13 action for forfeiture of performance guarantee.

14 *In lieu of the completion of any Group B water system prior to approval of a final plat,*
15 *short plat or other land-use action, the developer shall complete the Washington State*
16 *Department of Health Guideline for Group B Public Water System Approval and*
17 *Guideline for Group B Water System Approval Appendices which include drilling and*
18 *testing of the well(s). Developer shall provide a performance guarantee in an amount*
19 *and with satisfactory surety and conditions providing for and securing to Kittitas County*
20 *the actual engineering, design and construction and installation of the Group B Water*
21 *System within a period specified by the Public Health Administrator. The Administrator*
22 *will enforce the guarantee through appropriate legal and equitable remedies. If a surety*
23 *bond is provided, the amount of the bond shall equal one hundred thirty-five percent*
24 *(135%) of the estimated engineering, design, and construction cost. When a letter of*
25 *escrow or cash is used, the amount covered shall be for one hundred fifteen percent*

1 (115%) of the estimated engineering, design, and construction cost as reviewed and
2 concurred with by the Public Health Department.

3 The amount of the financial guarantee may be reduced during construction
4 proportionally to the amount of work completed, as said work is approved by the Public
5 Health Department.

6 Group B water system applications shall be submitted by a professional engineer
7 licensed in the State of Washington whenever the application calls for an atmospheric
8 storage tank, more than one well, more than one pressure zone, fire flow requirements,
9 or treatment other than simple hypochlorination prior to acceptance by the Public Health
10 Department.

11 Building permits will not be issued until construction is completed or bonded as set forth
12 in this chapter, and approved by the Public Health Department. The developer is legally
13 and financially responsible for ensuring all Group B water systems are engineered,
14 designed, and constructed in accordance with state and local requirements. (Ord. 2008-
15 05, 2008)

16 **13.30.030 Group B Water System Operations and Maintenance**

17 1. The owner or purveyor of a Group B Water System that has not entered into a
18 valid Satellite Management Agreement (SMA) shall submit the following
19 monitoring and financial information to KCPHD:

20 a. On an annual basis:

21 i. At least one passing bacteriological test meeting the standards
22 of Chapter 246-291 WAC performed in the last twelve (12)
23 months.

24 b. Every three years:

25 i. An updated Water Facilities Inventory Form;

1 **13.35.010 Authority.** The Health Officer of the Kittitas County Public Health
2 Department has the authority, on behalf of the County, to ascertain whether there is
3 evidence of an adequate water supply per Section 19.27.097 RCW, including whether
4 proposed water systems comply with all state and local engineering, design and
5 construction standards as set forth in the Joint Plan of Responsibility between the State
6 of Washington Department of Health and the Kittitas County Public Health Department.

7 **13.35.020 Applicability.** An Adequate Water Supply Determination is required of all
8 persons who are: 1) applying for a building permit with either a) a proposed new
9 structure which will have potable water or b) a proposed change in the number of
10 dwelling units for any existing structures; 2) proposing a new or supplemental water
11 system; or 3) proposing extensive changes to the old water system where the changes
12 have the potential to negatively impact the water systems flow. An Adequate Water
13 Supply Determination shall not be required for building permits that do not require a
14 change in the water system or structures which will not have potable water plumbing.

15 **13.35.030 Group A Public Water System.** Applicants for an Adequate Water Supply
16 Determination where the source is a Group A public water system shall provide to
17 KCPHD:

- 18 1. A completed water adequacy application signed by the water purveyor along with
19 any applicable fees;
- 20 2. The final water system identification number from the Department of Health; and
- 21 3. Verification that the Department of Health operating permit is either in Yellow or
22 Green status. Applicants for a building permit expecting to be supplied with
23 drinking water from a purveyor with an operating permit in Red status
24 (inadequate) or in Blue status (operating without design approval, or exceeded
25 number of DOH-approved connections) will not be approved by KCPHD.

1 **13.35.040 Group B Public Water System.** Applicants for an Adequate Water Supply
2 Determination where the source is a Group B public water system shall provide to
3 KCPHD:

- 4 1. A completed application signed by the water purveyor along with any
5 applicable fees;
- 6 2. The final water system identification number from the Department of Health;
7 and
8
- 9 3. Certification that the Group B public water system has been constructed and
10 maintained in accordance with the KCPHD or DOH approved plans and
11 specifications, including up to date monitoring and financial information.

12
13 **13.35.050 Individual Water System.** Applicants for an Adequate Water Supply
14 Determination with an individual water system shall meet the following requirements:

- 15 1. Application. Submit a completed application with any applicable fees to
16 KCPHD.
- 17 2. Groundwater Well as Water Source. The water quality and quantity of the
18 groundwater well shall be evaluated for an Adequate Water Supply
19 Determination by KCPHD.
20
21 a. Water Quality. The water produced by the water source shall either:
22 i. Pass a water quality test with results submitted to KCPHD; or
23 ii. If the water fails the water quality test, then applicant shall
24

1. Add a treatment system to raise the water quality to potable standards. All treatment system designs shall be submitted by a professional engineer and bear the engineer's seal and signature. The treatment system shall comply with all applicable federal, state and local regulations and shall protect the health and safety of the users of the system; and
2. File a notice with the County Auditor describing the treatment system.

b. Water Quantity.

- i. All wells to be used in an individual water system shall be constructed prior to the issuance of an Adequate Water Supply Determination.
- ii. A well log recorded within the last ten (10) years demonstrating a minimum flow of five (5) gallons per minute (GPM) for at least a two (2) hour period shall be submitted to KCPHD.
 1. If a well log is not available or the well log indicates a flow of less than five (5) GPM for a two (2) hour period, then a four-hour draw down test shall be submitted to KCPHD.
 2. A well log that was recorded more than ten (10) years ago may be accepted at the discretion of the Health Officer.
- iii. The minimum acceptable production level where the water source is a well is three hundred fifty (350) gallons per day for an individual water system.

3. Water Distribution System. When the water source is a well and produces less than five gallons per minute (5 GPM) according to the well log or four-

1 hour draw down test, adequate flow equalization is required for periods of
2 higher use within the dwelling unit. The water distribution system design shall
3 be submitted by a licensed engineer, bear the engineer's seal and signature,
4 and meet the following requirements:

- 5 a. Flow equalization tank requirements shall be determined by the
6 following: $(150)(5-X \text{ gpm}) = \text{gallons of tank capacity needed (where X}$
7 $= \text{gallons per minute produced as determined by the four-hour draw}$
8 $\text{down test). The required tank capacity could be as much as 715}$
9 $\text{gallons depending on the flow of the well.}$
- 10 b. A booster pump and pressure tank shall be included in the water
11 distribution system.

- 12 4. Cistern as Water Source. When the proposed water source is a cistern, the
13 applicant for a Water Supply Determination shall comply with Chapter 13.25
14 KCC.

15 **13.35.060 Shared Water System.** Applicants for an Adequate Water Supply
16 Determination with a connection to a shared water system shall meet the following
17 requirements:

- 18 1. Application. Submit a completed application with any applicable fees to
19 KCPHD. This includes a valid Shared Well Users Agreement signed by both
20 users of the well.
- 21 2. Groundwater Well as Water Source. The water quality and quantity of the
22 groundwater well shall be evaluated for an Adequate Water Supply
23 Determination by KCPHD.

1 a. Water Quality. The water produced by the water source shall either:

2 i. Pass a water quality test with passing results submitted to
3 KCPHD; or

4 ii. If the water fails the water quality test, then applicant shall:

5 1. Add a treatment system to raise the water quality to
6 potable standards. All treatment system designs shall be
7 submitted by a professional engineer and bear the
8 engineer's seal and signature. The treatment system
9 shall comply with all applicable federal, state and local
10 regulations and shall protect the health and safety of the
11 users of the system; and

12 2. File a notice with the County Auditor describing the
13 treatment system.

14 b. Water Quantity.

15 i. All wells to be used in a shared water supply system shall be
16 constructed prior to the issuance of an Adequate Water Supply
17 Determination.

18 ii. A well log recorded within the last ten (10) years demonstrating
19 a minimum flow of seventeen (17) gallons per minute (GPM) for
20 at least a two (2) hour period shall be submitted to KCPHD.

21 1. If a well log is not available or the well log indicates a flow
22 of less than seventeen (17) GPM for the two (2) hour
23 period, then a four-hour draw down test shall be
24 submitted to KCPHD.

25 2. A well log that was recorded more than ten (10) years
ago may be accepted at the discretion of the Health
Officer.

1 used in this code is intended to impose any duty whatsoever upon Kittitas County or any
2 of its officers or employees. Nothing in this code is intended to be nor shall be
3 construed to create or form the basis for any liability on the part of Kittitas County, on its
4 officers, employees or agents, for any injury or damage resulting from the failure of any
5 person subject to this code to comply with this code, or by reason or in consequence of
6 any act or omission in connection with the implementation or enforcement of this code
7 on the part of Kittitas County by its officers, employees or agents.

8 **Chapter 13.60**

9 **Fees**

10 The KCPHDFS for all applications, permits, licenses, inspections, and appeals required
11 by this Title shall be proposed by the Board of Health and then set by resolution of the
12 Board of County Commissioners. Failure to pay any required fee may result in denial of
13 application, permit, license or inspection, and/or revocation of license, and/or closure of
14 any water system, septic system or well for which fees are unpaid.

15 **Chapter 13.65**

16 **Public Health Emergency**

17 Nothing in this Title shall be construed to circumscribe the authority and power of the
18 Health Officer to act in an emergency situation to control and prevent any health hazard
19 which immediately threatens the public health of the inhabitants of the county and its
20 municipalities which power and authority is governed by state law.

21 **Chapter 13.70**

22 **Enforcement**

23 Violations of this Title may be enforced through Chapter 13.75 KCC and/or Title 18
24 KCC. Penalties shall be as defined within Title 18 KCC.

Chapter 13.75
Health Order

13.75.10 Initiation of enforcement action.

1. Whenever the Health Officer has reason to believe that a use or condition exists in violation of any public health rules and regulations of this title or the use or condition may cause immediate and irreparable harm to public health or the environment, the Health Officer may issue an administrative Health Order under this chapter to cause:
 - a. The abatement pursuant to Section 13.075.060 KCC; or
 - b. The cessation of work, activity or use; or
 - c. Suspension and revocation of any permits or licenses issued pursuant to this title.
2. The effect of the Health Order shall be to require the immediate cessation of such work or activity until authorized by the Health Officer to proceed.
3. The Health Order shall contain:
 - a. The street address, when available, and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;
 - b. A statement that the Health Officer has found the person to be in violation of public health rules and regulations with a brief and concise description of the conditions found to be in violation;
 - c. A statement of the corrective action required to be taken, if necessary;
 - d. A statements advising that if any corrective action is not commenced or completed within the time specified, the Health Officer will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation;

1 e. A statement advising that the Health Order shall become final unless, no
2 later than ten (10) days after the Health Order is served, any person
3 aggrieved by the order requests in writing an appeal before the Board of
4 Health.

5 **13.075.020 Service of Health Order.**

- 6 1. The Health Order shall be served upon one or more of the following parties:
7 a. The owner or operator of the property where the violation is located;
8 b. The person in possession of the property where the violation is located; or
9 c. The person otherwise causing or responsible for the violation.
- 10 2. The Health Order shall be served by any one or combination of the following
11 methods upon all persons identified in the Health Order:
12 a. By both first-class and certified mail with a 5-day return receipt requested
13 to the last known address of the person identified; or
14 b. By posting the Health Order in a prominent location on the premises in a
15 conspicuous manner which is reasonably likely to be discovered; or
16 c. By personal service upon the person identified.
- 17 3. The failure of any such person to receive such Health Order shall not affect the
18 validity of any proceedings taken under this chapter. Service by certified mail in
19 the manner provided in this section shall be effective on the third day after the
20 date of postmark.
- 21 4. It is unlawful and a violation of this title for any person, firm, or corporation found
22 guilty of having created or suffering to exist on premises either owned or leased
23 by them any violation defined herein. Owners remain liable for violations of duties
24 imposed by this chapter even though an obligation is also imposed on the
25 occupants of the premises, and even though the owner has, by agreement,
imposed on the occupant the duty of complying with this chapter.
Successive property owners are liable for abatement of violations created by
their predecessors in interest. No right can be acquired to continue a violation by

1 virtue of its longtime existence. It shall not be necessary to show that the owner
2 participated in, or was even aware of, the code violation in order to hold him/her
3 liable.

4 **13.075.030 Supplemental Health Order.**

5 The Health Officer may at any time add to, rescind in part, or otherwise modify a Health
6 Order by issuing a supplemental Health Order. The supplemental Health Order shall be
7 governed by the same procedures applicable to all Health Orders contained in this
8 chapter.

9 **13.075.040 Finality of Health Order.**

- 10 1. Any Health Order duly issued by the Health Officer pursuant to the procedures
11 contained in this chapter shall become final ten (10) days after service of the
12 notice and order unless a written request for hearing is received by KCPHD
13 within the ten (10) day period.
- 14 2. An order which is subjected to the appeal procedure shall become final twenty
15 (20) days after mailing of the Board of Health's decision unless within that time
16 period an aggrieved person initiates review by writ of certiorari in Kittitas County
17 Superior Court.

18 **13.075.050 Enforcement of Final Health Order.**

- 19 1. If, after any Health Order duly issued by the Health Officer has become final, the
20 person to whom such Health Order is directed fails, neglects or refuses to obey
21 such Health Order, the Health Officer may:
- 22 a. Cause such person to be prosecuted under Chapter 13.70 KCC; and/or
 - 23 b. Abate the health violation using the procedures of this chapter; and/or
 - 24 c. File in the county Auditor's Office a notice describing the property and the
25 violation and stating that the owner has been so notified; and/or
 - d. Pursue any other appropriate remedy at law or equity under this chapter.

1 2. Enforcement of any Health Order of the Health Officer pursuant to this chapter
2 shall be stayed during the pendency of any appeal under this chapter, except
3 when the Health Officer determines that the violation will cause immediate and
4 irreparable harm and so states in the notice and order issued.

5 **13.075.060 Abatement.** In addition to or as an alternative to any other judicial or
6 administrative remedy provided in this chapter or by law or other rules and regulations,
7 the Health Officer may order a public health rules and regulations violation of this title to
8 be abated. The Health Officer may order any person who creates or maintains a
9 violation of this title to commence corrective work and to complete the work within such
10 time as the Health Officer determines reasonable under the circumstances. If the
11 required corrective work is not commenced or completed within the time specified, the
12 Health Officer may proceed to abate the violation and cause the work to be done. He or
13 she may charge the costs thereof as a lien against the property and as both a joint and
14 separate personal obligation of any person who is in violation.

15 **13.075.070 Appeal of Health Order**

- 16 1. Any person aggrieved by a Health Order of the Health Officer may request in
17 writing within ten (10) days of the service of the Health Order an appeal hearing
18 before the Kittitas County Board of Health. The request shall be submitted to
19 KCPHD, and shall include:
- 20 a. The Health Order being appealed;
 - 21 b. The name and address of the appellant and his or her interest(s) in the
22 matter;
 - 23 c. The specific reasons why the appellant believes the decision to be wrong;
 - 24 d. The desired outcome or changes to the decision; and
 - 25 e. The appeals fee.

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2. Notice of Hearing.

- a. Not later than the 15 calendar days after the receipt of one or more timely Notices of Appeal, KCPHD shall issue and serve a Notice of Hearing to the appellants. Requests from multiple parties concerning the same Health Order may be consolidated.
- b. The Notice of Hearing shall be served by the same means as a Health Order as detailed in Section 13.75.20 KCC.
- c. The Notice of Hearing shall contain the date, time, and location of the hearing.

3. Evidence.

- a. Evidence, including hearsay evidence, is admissible if in the judgment of the Board of Health it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.
- b. All testimony of parties and witnesses shall be made under oath or affirmation.
- c. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.
- d. Official notice may be taken of (a) any judicially cognizable facts, (b) technical or scientific facts within the agency's specialized knowledge, and (c) codes or standards that have been adopted by an agency of the United States, of this state, or by a nationally recognized organization or association. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

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4. Each party shall have the following rights:

- a. To call and examine witnesses on any matter relevant to the issues of the hearing;
- b. To introduce document and physical evidence;
- c. To cross-examine opposing witnesses on any matter relevant of he issues of the hearing;
- d. To impeach any witness;
- e. To rebut evidence against him;
- f. To represent himself or be represented by an attorney of his or her own choosing.

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5. Hearing

- a. The appeal hearing shall be conducted on the record and the Kittitas County Board of Health shall have such rulemaking and other powers necessary for conduct of the hearing.
- b. The burden is on KCPHD to prove the alleged factual basis set forth in the Health Order. The burden is a preponderance of the evidence.
- c. The observation of a violation on different dates shall be prima facia evidence that the violation continued to exist on intervening dates.
- d. Following review of the evidence submitted, the Kittitas County Board of Health shall make written findings and conclusions, and shall affirm or modify the order previously issued if the Board of Health finds that a violation has occurred. The Board of Health shall reverse the order if they find that no violation occurred. The written decision of the Board of Health shall be mailed by certified mail and first class mail, five day return receipt requested, to the appealing party.

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13.075.080 Nothing in this Chapter shall limit the authority of the Health Officer to enforce this Title pursuant to Chapter 13.70 KCC or any other applicable regulations.

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Chapter 13.80
Right of Entry

1. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of any public health rules and regulations, or whenever the Health Officer has cause to believe that a violation of any public health rules and regulations has been or is being committed or whenever the Health Officer has cause to believe there is a health threat that will cause immediate and irreparable harm to human health or the environment, the Health Officer may enter any building, structure, property or portion thereof at reasonable times to inspect the same.
 - a. If such building, structure, property or portion thereof is occupied, the Health Officer shall present identification credentials, state the reason for the inspection, and demand entry.
 - b. If such building, structure, property or portion thereof is unoccupied, the Health Officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and demand entry. If the Health Officer is unable to locate the owner or such other persons and the Health Officer has reason to believe that conditions therewith create an immediate and irreparable health hazard, then the Health Officer shall make entry.
 - c. Unless entry is consented to by the owner or person in control of any building, structure, property or portion thereof or conditions are believed to exist which create an immediate and irreparable health hazard, the Health Officer prior to entry shall obtain a search warrant as authorized by the laws of the state.

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Chapter 13.85

Appeals

13.85.010 Appeal of Administrative Determination or Decision.

1. Except as provided elsewhere in this Title, a party aggrieved by a determination made by the Health Officer pursuant to this Title may appeal the decision to the Kittitas County Hearings Examiner.
2. Notice of Appeal.
 - a. Within 10 working days of the final administrative decision, the aggrieved party may submit a written Notice of Appeal to KCPHD, along with the required appeal fee, to appeal the administrative decision.
 - b. The notice of appeal shall contain a written, concise statement identifying:
 1. The decision being appealed;
 2. The name and address of the appellant and his interest(s) in the matter;
 3. The specific reasons why the appellant believes the decision to be wrong;
 4. The desired outcome or changes to the decision; and
 5. The appeals fee.
3. Notice of Hearing.
 - a. Not later than the 15 calendar days after the receipt of one or more timely Notices of Appeal, KCPHD shall issue and serve a Notice of Hearing to the appellants. Requests from multiple parties concerning the same administrative decision may be consolidated.
 - b. The Notice of Hearing shall be served by the same means as a Health Order as detailed in Section 13.75.20 KCC.
 - c. The Notice of Hearing shall contain the date, time, and location of the hearing.

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2 4. Hearing.

- 3 a. The appeal hearing shall be conducted on the record and the Hearings
4 Examiner shall have such rulemaking and other powers necessary for
5 conduct of the hearing.
6 b. Unless otherwise provided herein, the provisions of Chapters 1.10 and
7 2.11 KCC shall govern the hearing process.
8 c. In all cases involving an application for license, permit, Group B water
9 system or Adequate Water Determination, the burden shall be on the
10 applicant to establish that the application meets all applicable criteria. In
11 all other cases the burden is on KCPHD to prove the alleged factual basis
12 set forth in the initiating document. The burden in all cases is a
13 preponderance of the evidence.
14 d. The observation of a violation on different dates shall be prima facia
15 evidence that the violation continued to exist on intervening dates.

16 5. Order of the Hearing Examiner.

- 17 a. Unless mutually agreed to by the appellant and the Hearing Examiner, the
18 order of the Hearing Examiner shall be served upon the person to whom it
19 is directed, either personally or by mailing a copy of the order to such
20 person at his/her last known address as determined by KCPHD.
21 b. The appellant may file a request for reconsideration of the Hearing
22 Examiner's decision within seven working days of the date of the Hearing
23 Examiner's written decision, based on any one of the following grounds
24 materially affecting the substantial rights of said party or person:
25 1. Errors of procedure or misinterpretation of fact, material to the party
seeking the request for reconsideration.
2. Irregularity in the proceedings before the Hearing Examiner by
which such party was prevented from having a fair hearing.

1 3. Clerical mistakes in the official file or record transmitted to the
2 Examiner, including errors arising from inadvertence, oversight, or
3 omission, which may have materially affected the Examiner's
4 decision on the matter.

5 c. Upon receipt of a request for reconsideration, the Hearing Examiner shall
6 review said request in light of the record and take such further action as is
7 deemed proper; including, but not limited to, denying the request, granting
8 the request, with or without oral argument, and may render a revised
9 decision. The decision of the Hearing Examiner shall be subject to
10 reconsideration only one time, even if the Hearing Examiner reverses or
11 modifies the original decision.

12 d. If no written request for reconsideration has been received by the
13 authorized official within seven working days of service of the order of the
14 Hearing Examiner, the order shall be considered final unless appealed to
15 Kittitas Superior Court.
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ADOPTED this 19th day of July 2011.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Approved as to Form



Commissioner, Chairman

Suzanne Becker
Civil Deputy signing for
Gregory L. Zempel
Prosecuting Attorney



Commissioner, Vice-Chairman

ATTEST:
CLERK OF THE BOARD



Commissioner



Julie A. Kjorsvik

