



Department of Health Office of Drinking Water Policy

Title:	Local Government Consistency – Other Relevant Elements	Number: P B.07
Procedure:	No associated procedure	
References:	Group A Public Water Supplies, WAC 246-290-100 and 246-290-108	
Applies to:	All Municipal Water Suppliers	
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Approved:	 Director	

Policy Statement

The Department of Health (the department) determines the following local plans may contain “other relevant elements related to water supply planning” and are applicable to a local government consistency review under WAC 246-290-108(1)(e):

- Coordinated Water System plans;
- Regional Wastewater Plans;
- Groundwater Area Management Plans; and
- Comprehensive Plans – Capital Facilities Element.

A local government may consider elements of these plans in addition to those included in WAC 246-290-108(1)(a) – (d) when reviewing a water system planning document for consistency. This policy clarifies the “**other relevant elements**” related to water supply planning that may be included in a consistency review under WAC 246-290-108(1)(e). It does not describe all elements required for local government consistency.

This policy applies to all adopted local plans and development regulations applicable to the municipal water supplier’s service area regardless of whether the local government is fully planning under the Growth Management Act.

Framework

Prior to approving a water system plan (or a small water system management program requesting a water right place of use expansion) for a municipal water supplier, the department will ensure that new water service provided under the water system plan is consistent with relevant provisions of adopted local plans and development regulations. The department will ensure consistency through local government review of water system plans against relevant provisions of adopted local plans and development regulations.

Relevant provisions include only those that directly relate to providing safe and reliable drinking water or to future water service within the municipal water supplier's service area.

The department will determine on a case-by-case basis if an inconsistency documented by a local government falls within the scope of other relevant elements related to water supply planning under WAC 246-290-108(1)(e). If an inconsistency is not determined relevant, the department will approve the planning document and defer to the local government to ensure compliance with local requirements under its own authorities.

An inconsistency is not relevant under WAC 246-290-108(1)(e) if the cited element of the local plan or development regulation:

1. is not directly related to providing safe and reliable drinking water or to future water service within the water system's service area; or
2. relates to a state requirement that the department is solely responsible to interpret and enforce; or
3. is not specific such that a direct conflict with the water system plan is evident.

Other Relevant Elements Related to Water Supply Planning

The following local plans may contain "other relevant elements related to water supply planning." A local government may consider these plans when reviewing a water system planning document for consistency under WAC 246-290-108(1)(e):

- **Coordinated Water System Plans**

Water system plans must discuss related plans such as Coordinated Water System Plans under WAC 246-290-100(4)(a)(iii). If a local government documents an inconsistency with a specific clearly defined requirement of an approved Coordinated Water System Plan the department will not approve the water system plan until the inconsistency is resolved.

- **Regional Wastewater Plans**

Water system plans for municipal water supplier serving over 1,000 connections must evaluate opportunities for reclaimed water use under WAC 246-290-100(4)(f)(vii). If a local government documents an inconsistency with a specific clearly defined reclaimed water requirement of a wastewater plan or other local plan, the department will not approve the water system plan until the inconsistency is resolved.

- **Groundwater Area Management Plans**

Water system plans must discuss related plans such as groundwater area management plans under WAC 246-290-100(4)(a)(iii). If a local government documents an inconsistency with a requirement of an approved groundwater area management plan that directly relates to a source of potable water supply discussed in a water system plan, the department will not approve the water system plan until the inconsistency is resolved.

- **Comprehensive Plans – Capital Facilities Element**

Water system plans must include a capital improvement program that includes projects to maintain safe and reliable drinking water under WAC 246-290-100(4)(i). A plan for collecting revenue to fund the capital improvement program is required under WAC 246-290-100(4)(j). If a local government documents an inconsistency with a specific clearly defined requirement of its capital facilities plan that directly relates to providing safe and reliable drinking water, the department will not approve the water system plan until the inconsistency is resolved.

Documenting Consistency

If the local government does not provide a consistency review, the municipal water supplier must self-certify. In these cases, the municipal water supplier must also provide documentation of the efforts made to obtain a local consistency review.

If the local government and municipal water supplier disagree on an element that the department determines is **non-relevant**, the municipal water supplier may request the department approve the plan based on documented consistency with all relevant elements. In these cases, the municipal water supplier must provide copies of correspondence between itself and the local government documenting that all relevant consistency elements have been adequately addressed, including the other relevant elements outlined within this policy.

Remedy for Disputes

If a municipal water supplier disagrees with the department's withholding of water system plan approval based on an inconsistency with a relevant element, the municipal water supplier may file a petition for judicial review under the Administrative Procedures Act (chapter 34.05 RCW).

If a local government disagrees with the department's approval of a water system plan that it believes is inconsistent with a relevant element, the local government may file a petition for judicial review under the Administrative Procedures Act (chapter 34.05 RCW).

Review and Approval

The Field Operations Section will be responsible for coordinating any updates or rescinding of this policy or its associated procedure. The Director of Office of Drinking Water has full authority to review and approve this policy and associated procedure. The Director also has the authority to delegate this responsibility.

The Department of Health is an equal opportunity agency. For persons with disabilities, this policy is available on request in other formats. To submit a request, please call 1-800-525-0127 (TTY 1-800-833-6388). For additional copies of this policy, call 1-800-521-0323.