

# KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT

## WATER RESOURCES PROGRAM POLICY & PROCEDURES

### *Mitigation, Metering, and Enforcement*

#### I. Purpose

It is the purpose of this policy to establish standards and procedures for the administration of the Kittitas County Water Mitigation and Metering Program (KCMMP) including; application processing, inspections, monitoring, reporting and enforcement by the Kittitas County Public Health Department (KCPHD).

#### II. Policy

##### Mitigation

- A. All persons that desire to mitigate their water usage through the KCMMP shall first determine their eligibility by exploring the subject parcel on the Kittitas County COMPAS mapping system.
- B. The KCMMP will have three packages available for water mitigation:
  1. Applicants with access to outdoor irrigation (as determined by a signed Irrigation Affidavit) will be required to purchase mitigation Package A which consists of an annual average of 275 gallons per day of indoor domestic use only. The daily maximum withdrawal allowed on any given day is 825 gallons per day, as long as the annual average is not exceeded.
  2. Applicants without access to outdoor irrigation (as determined by a signed Irrigation Affidavit) will be required to purchase mitigation Package B which consists of an annual average of 275 gallons per day of indoor domestic use only and up to an annual average of 25 gallons per day for outdoor irrigation of up to 500 square feet. The daily maximum withdrawal allowed on any given day is 900 gallons per day, as long as the annual average is not exceeded.
  3. Applicants using a cistern water system as the potable water source will be allowed to purchase mitigation Package C, which consists of an annual average of 150 gallons per day of indoor domestic use only. Cistern users may purchase other water use packages as per design specifications as submitted and signed by a licensed engineer.
- C. Access to outdoor irrigation will be determined with a signed customer Irrigation Affidavit (Appendix A). The Water Mitigation Certificate, statements of understanding, notary page, and the Metering Agreement shall be legally recorded with the Kittitas County Auditor's office on the title record associated with the property parcel by the customer.
- D. The customer must have an active building permit applied for within two years of issuance of the Kittitas County Water Mitigation Certificate. If a building permit expires and an extension is not approved, then the Water Mitigation Certificate will become void. The portion of the fee that covers the cost of water (at the time of application), in lieu fee, and first annual metering fee (if meter inspection is not yet been performed), will be refunded minus a processing fee. Refunds may be subject to a deduction for actual work performed by Kittitas County staff prior to receiving the refund request. The cost of actual work performed by KCPHD staff shall be estimated using the hourly rate established in the KCPHD Fee Schedule.

- E. If a customer who purchases a Water Mitigation Certificate through the KCMMP is later required to connect to a municipal water source, the Water Mitigation Certificate associated with the parcel will be returned to Kittitas County and will be documented on the property title. The portion of the fee that covers the cost of water (at the time of application), in lieu fee, and first annual metering fee (if meter inspection is not yet been performed), will be refunded minus a processing fee. Refunds may be subject to a deduction for actual work performed by Kittitas County staff prior to receiving the refund request. The cost of actual work performed by KCPHD staff shall be estimated using the hourly rate established in the KCPHD Fee Schedule.

### **Meter Acquisition & Installation**

- A. Per Kittitas County Code 13.40.030 all new uses of ground water for domestic purposes in Kittitas County (within the Yakima River Basin) using wells as their potable water source will be required to meter their mitigated water usage (including individuals that chose to mitigate through a private water bank) and pay an annual fee, per the KCPHD fee schedule, associated with the administration of a metering and monitoring program.
- B. The Metering Program requirements will be initiated as a part of the application and issuance of the Water Mitigation Certificate, which will occur prior to submitting an application for Adequate Water Supply Determination.
- C. All customers shall sign and comply with a metering agreement (Appendix B) and pay all applicable fees at the time of application for a Water Mitigation Certificate.
- D. The acquisition, installation, monitoring and replacement of all metering equipment in accordance with specifications and Kittitas County Code shall be the responsibility of the customer.
- E. All building permit applicants must acquire a Badger Meter Company Recordall® Disc Series Meter and Orion Cellular LTE Endpoint (meter reader) from KCPHD. Meters are provided at no charge to the customer through 2027.
- F. The parcel owner shall sign the Kittitas County Meter Acquisition Application (Appendix C). If an authorized agent or contractor is required to pick up the water meter then the parcel owner shall be required to sign the Kittitas County Meter Acquisition Application and send it with the agent or contractor to pick up the meter. The authorized agent or contractor shall be required to sign the Kittitas County Meter Acquisition Application at the time of meter receipt.

### **Reimbursement**

- A. Materials and labor for proper installation and function of the meter and endpoint shall be reimbursed up to \$750.
- B. All reimbursement paperwork shall be submitted to KCPHD before the water meter final inspection is scheduled.
- C. Time and labor fees associated with self-installation are non-reimbursable.
- D. Reimbursement can only be requested by the parcel owner and shall only be issued to the parcel owner.
- E. Reimbursement invoices shall include the KCPHD reimbursement invoice signed by the parcel owner as well as any supporting documents. Supporting documents may include the invoice issued by the professional installer and/or receipts from the purchase of parts required for meter installation.

- F. All submitted reimbursement invoices will be verified by KCPHD staff. Suspect/ fraudulent invoices should be referred to law enforcement for investigation and possible criminal charges.
- G. All parts being requested for reimbursement for the meter installation must be verified by the inspector during the water meter final inspection.

### **Inspection**

- A. Failure to comply with all of the meter installation specifications may result in a failed inspection and the customer may be denied a Final Certificate of Occupancy with Kittitas County Community Development Services as a result. KCPHD reserves the right to revoke all mitigation rights in the event of a failure to obtain the Final Certificate of Occupancy.
- B. If more than one inspection is needed, additional fees may apply.

### **Monitoring and Reporting**

- A. Allowed usage for Package A is 275 gallons per day to be measured on an annual average and 825 gallons per day for a daily maximum withdrawal. Allowed usage for Package B is 300 gallons per day to be measured on an annual average and 900 gallons per day for a daily maximum (this includes up to 500 square feet of outdoor use).
- B. KCPHD staff will monitor and analyze water usage data at least once during each of the following months: March, July, August, September, and October.
- C. KCPHD staff will ensure customers have access to their water usage data at least annually with the annual metering fee billing.

### **Private Water Banks**

- A. KCPHD may enter into contract(s) with private water banks to sell a designated amount of the private water right.
- B. Private water banks under contract to KCPHD shall be sold under the KCPHD fee schedule.
- C. When issuing Water Mitigation Certificates, KCPHD staff shall issue water under the contracted private water bank before issuing water out of the KCMMP when applicable.
- D. KCPHD will pay what is designated as Package Total Water Recovery, not including the Public Works administration fee, in the fee schedule per each Water Mitigation Certificate issued quarterly.

### **Enforcement**

- A. Mitigation and metering requirements are codified in Title 13 of the Kittitas County Code (KCC). When metering is required under the code, the regulations detailed in KCC 13.40 must be met, including compliance with the specific water use limits.
- B. Failure to comply with KCC 13.40 may result in the following corrective actions:
  - 1. Order to Correct Violation
  - 2. Issue of a Notice of Infraction
- C. Enforcement of water usage restrictions associated with the KCMMP will consist of the following primary approaches:
  - 1. KCPHD staff shall monitor and maintain the overall consumptive use of the Water Mitigation Certificates sold by measuring overall average draw from the KCMMP. Overall KCMMP usage shall remain less than or equal to the sum of the recorded Water Mitigation Certificate volumes as a whole.

2. Individual well usage will be measured and monitored for daily overages and annual average overages. KCPHD staff will work with customers to seek voluntary compliance before initiating code enforcement actions; however Kittitas County reserves the right to use Kittitas County Code enforcement procedures (KCC Title 18) to rectify any compliance issues. In addition, in the case of drought conditions, the county may impose stricter compliance requirements and enforcement actions.
3. KCPHD staff will respond to and investigate complaints or other indications that violations of water usage restrictions may be occurring.
4. KCPHD staff will consider extenuating circumstances (including, but not limited to, household size, health issues, etc.) in determining potential violations and/or enforcement actions. These circumstances will be considered and addressed at the discretion of the KCPHD Water Resources Coordinator, Administrator, Health Officer or designee.

### **III. Procedures**

#### **Mitigation**

- A. KCPHD staff shall have available in the office and on the county website detailed and clear information about the mitigation and metering program policies, procedures, and specifications. Customers desiring to mitigate for ground water withdrawal using the KCMMP shall first submit a Water Mitigation Application (Metering Agreement included) and all associated fees. Only complete applications will be accepted.
- B. KCPHD staff shall review and approve the Kittitas County Water Mitigation Application:
  1. Confirm application for completeness.
  2. Confirm that the customer does qualify for mitigation through the KCMMP.
  3. Confirm that the Irrigation Affidavit, Metering Agreement, and Kittitas County Water Mitigation Application are all complete, signed, and notarized in the correct places.
  4. For Ecology Applications:
    - a. Check that the Ecology Water Budget Neutral (WBN) or Water Right Application is complete and signed by the legal property owner.
    - b. In Section 5 of the Ecology WBN application or Section 2 of the Water Right application, make sure the water right in which you would like to debit from is indicated. The trust water right agreement numbers are in the Process and Policy Handbook and in the T drive.
  5. Check that the well log is in the packet and meets drilling requirements, as outlined in the Individual Well Site Review (if drilled after December 2, 2015).
  6. Check that the full legal description for subject parcel is included.
  7. Ensure that the Irrigation Affidavit matches the customer receipt (according to the Kittitas County Public Health Department fee schedule)
- C. Once it is determined that application is complete, fill out the “For Official Use Only” page of the Kittitas County Water Mitigation Application.
- D. For Ecology Applications:
  1. Leave the “Applicant Notified?” field blank; you won’t fill this in until the determination is made by Ecology.
  2. In Evaluation Notes, KCPHD staff will fill in the date and a note stating “Pending Ecology approval”.
- E. In the CAMAS database a KCPHD staff shall:
  1. Navigate to CAMAS, then to the Water Mitigation database portal.

2. Click on the “new application” icon on the top right hand side of the page.
  3. Enter the parcel number or map number (dashes included) and click load parcel.  
(Note: Package A is .092 af/yr, Package B UC is .111 af/yr and Package B, LC, is .126 af/yr. If the Reecer Creek Water Bank(RCWB) is available, choose that first. If RCWB isn’t available, pull from Amerivest before Roth.)
  4. Fill in all applicable fields and save the application.
  5. For Ecology Applications:
    - a. Put together the completed packet for Ecology. A complete packet includes: Ecology WBN or Water Right Permit Application, Full legal description/ Taxsifter printout, COMPAS parcel map, Water Mitigation Application and Google Maps directions for Water Right Applications.
    - b. Scan the complete packet to the “MitCert” folder.
    - c. Go in to the N drive and rename the scanned file as Map Number Last Name for the applicant. Move the renamed file to the Mitigation Applications (pending at Ecology) folder.
    - d. Make a color copy of the entire packet and place the **copy** in a manila envelope (keep the original documents).
    - e. Put address labels on the envelope and put it in the outgoing mail bin at the front desk. All address labels (return & Ecology address) are in the Process and Policy Handbook.
    - f. Notify the customer that their application has been sent to Ecology and continue to update them as the application goes through the approval process.
    - g. For Water Right applications the customer will need to send in a \$50 check at the time of application to the Ecology Cashiering office located at:  
 Washington State Department of Ecology  
 Cashiering Section  
 Po Box 47611  
 Olympia, WA 98504-7611
    - h. Once a determination has been made with Ecology change status from “Pending Department of Ecology Approval” to “Ecology Approved” in Water Mitigation database on CAMAS & print mitigation certificate.
  6. Check the PDF for accuracy, and print the certificate.
  7. Sign the Water Mitigation Certificate on the regulatory authority line.
  8. Scan the complete packet to the water mitigation folder on the scanner, rename and resave to the correct folder.
  9. Make a color copy of the Water Mitigation Certificate, statements of understanding, notarized statement, Metering Agreement and legal description for the file and leave the originals in the designated folder at the front desk of the customer to pick up and take over to the Auditor’s office for recording.
- F. Call the customer:
1. Inform the customer that their Water Mitigation Certificate is ready to be picked up for recording at the front desk and that you will email them a completed copy of the packet for their records.
  2. Inform the customer that the next step in the process to get a building permit is the Adequate Water Supply Determination (AWS D) or Individual Well Site Review if their well has not been drilled yet.
- G. File the packet by map number, applicant’s last name, and parcel number in the mitigation certificate file cabinet.

### **Meter Acquisition & Installation**

- A. In office, KCPHD staff shall have available Badger Recordall<sup>®</sup> Disc Series Meters 5/8"x 3/4" & HR-E<sup>®</sup> High Resolution Encoders & Orion<sup>®</sup> Cellular LTE Endpoints for customers to acquire. KCPHD staff shall also have detailed and clear information about the meter installation specifications, meter inspection policies, and procedures online and in the office.
- B. A customer may acquire a free Badger Recordall<sup>®</sup> Disc Series Meters 5/8"x 3/4" & HR-E<sup>®</sup> High Resolution Encoder & Orion<sup>®</sup> Cellular LTE Endpoints from KCPHD once they are in possession of the applicable building permit.
- C. Customer fills out the Meter Acquisition Application and leaves with meter, as well as detailed and clear information about the meter installation specifications and reimbursement information.
- D. KCPHD staff shall:
  1. Scan and send the acquisition application to the Water Meter Acquisition Forms folder labeled "Water Meter".
  2. Rename the scanned document as: map number, customer last name, METER ACQUISITION
  3. In CAMAS, input the meter serial number, endpoint serial number, and acquisition date for the corresponding Water Mitigation Certificate.
  4. If the customer that acquired a meter did not mitigate through KCMMP, KCPHD staff shall follow these steps instead:
    - a. Go to the Non-County tab in Water Mitigation.
    - b. Click on the add application button and type in the parcel number or map number.
    - c. Fill out the customer's address and contact information.
    - d. Select Non-County under Applicant Info
    - e. Input the meter serial number, endpoint serial number, and acquisition date.
- E. The customer has all required metering equipment installed according to the required specifications in Kittitas County Code Chapter 13.40.030 and all manufacturer requirements. The meter can be installed by the customer or by a professional prior to inspection.

### **Reimbursement**

- A. KCPHD staff will provide the customer with an invoice to fill out for self-installation or to attach a professional invoice to.
- B. Self-installation labor costs are not reimbursable. Only the materials purchased that are necessary to complete the installation are eligible for reimbursement. Requests for reimbursement of materials require receipt(s).
- C. Reimbursement invoices must be signed by the legal parcel owner and submitted to the KCPHD front office prior to requesting the final water meter inspection.
- D. After the final water meter inspection and verification of materials the invoice will be signed by the Water Resources Program Coordinator or Public Health Administrator for final verification of the reimbursement total, scanned into the N drive and then given to the Fiscal Analyst for processing.

## **Inspection**

- A. Prior to applying for Final Certificate of Occupancy, the customer shall contact KCPHD to schedule a water meter final inspection. The customer must ensure that water flow is functional prior to KCPHD staff conducting inspection.
- B. The KCPHD inspector (Inspector) will schedule the inspection in the applicable internal inspection tracking system and will confirm the inspection time with the customer.
- C. The Inspector will review all documentation relevant to the mitigation certificate, metering equipment specifications and confirm the location of the water meter on the property.
- D. Upon arrival, the Inspector will check in and introduce themselves to the customer, if available, or the appropriate contractor. The Inspector will announce their intent to perform an inspection of the metering equipment. After checking in or if no one is present, the Inspector will proceed with the inspection.
- E. First, the Inspector will verify the location of the water meter on the property. Meters can be installed in pump houses, garages, or in the ground in a meter box outside. Meters must be accessible without entering the customer's home.
- F. Metering equipment must match the requirements listed on the appropriate inspection application and in Kittitas County Code Chapter 13.40.030.
- G. Inspectors must verify:
  1. Meter location on a main line prior to the home.
  2. Installation depth of at least 24 inches if installed outside.
  3. Even velocity profile on setter.
  4. Correct flow direction.
  5. Present and functioning Badger Recordall<sup>®</sup> Disc Series Meter 5/8"x 3/4" & HR-E<sup>®</sup> High Resolution Encoder.
  6. Present and functioning ORION<sup>®</sup> Cellular LTE Endpoint.
  7. Endpoint installation through an outside wall or through the lid of the meter box.
- H. In addition, Inspectors will take digital photographs including:
  1. Meter location
  2. Meter housing (If applicable)
  3. Meter setter (If applicable)
  4. Meter serial number
  5. Cellular endpoint serial number
- I. Upon returning to the office, the Inspector shall input the inspection results into other appropriate internal inspection tracking systems and set up a Beacon account for both the water meter and the customer. KCPHD staff will route meter inspection in appropriate permit software systems.
- J. KCPHD staff sign off on customer compliance only if the meter installation meets all specifications. Failure to comply with all meter installation specifications may result in a failed inspection and the customer may be unable to obtain the Final Certificate of Occupancy until noncompliance items are corrected.
- K. If an additional inspection is needed, additional fees may apply.
- L. Once the inspection has been completed and approved by KCPHD an email will be sent to the fiscal analyst to set up an annual billing account.
- M. Final Certificate of Occupancy will not be granted from Kittitas County Building Department until the installation and inspection process is complete and approved.

KCPHD reserves the right to revoke all mitigation rights in the event of a failure to obtain the Final Certificate of Occupancy.

**Monitoring and Reporting**

- A. Reporting of mitigation and metering data will be provided to the Washington State Department of Ecology annually and the Water Transfer Working Group in April and October of each year. Reporting will include the following:
  - 1. Information as to whether the rate and location of building permit applications are below, at, or above the projections used during the over the counter approval process.
  - 2. The number of permits issued, GIS maps of the permit locations by bank and sub basin, comparisons of projections versus actual data, and a list of the certificate numbers authorized by KCMMP and the corresponding parcel to which each is attached.
- B. During the required monitoring months, KCPHD staff will monitor metering data for both compliance with overall consumptive use of the water bank and daily individual usage.
- C. Annually, KCPHD will monitor metering data for both compliance with overall consumptive use of the water bank and average annual withdrawals per well.

**Private Water Banks**

- A. KCPHD staff will generate a report from SMARTGov that includes the amount of mitigation certificates sold from the private water bank.
- B. KCPHD staff will generate a report from CAMAS and filter the Excel sheet to only show the private water bank certificates issued within the applicable quarter, and by date approved (not by date received).
- C. KCPHD staff will check to confirm the total sold numbers in the CAMAS report and the SMARTGov report match.
- D. KCPHD staff will enter numbers from CAMAS report into Private Water Bank Quarterly Reports Excel sheet, which are found in the G drive at- G:\WATER BANKING\Reports\Private Water Bank Reports, and then:
  - 1. Select the appropriate water bank. Use tabs at the bottom of the spreadsheet to navigate between the private water bank sheets.
  - 2. Input quarter data. Year total and Grand total should update automatically.
  - 3. In the CAMAS report copy the Date issued, Package, Water bank, Acre feet, and Tracking # for the quarter and paste in the table on the second page of the quarterly report.
  - 4. Input the Package Total Water Recovery, not including the Public Works administration fee, for the new quarterly data.
  - 5. Print both pages of the report.
- E. KCPHD staff will give all three reports to the Public Health Fiscal Analyst for payment processing.

**Enforcement**

- A. In the case that individual well usage exceeds the established *daily maximum*, the following actions may be taken by KCPHD staff at the time of scheduled monitoring:

<b>Excess Daily Maximum Usage</b>	<b>Compliance Action</b>
Five days or more of excess usage during one monitoring period	Account flagged internally for future monitoring
Second repeat of at least five days of excess usage during one monitoring period within one	Notification to customer of usage limitations (Appendix D) by mail, email, phone or face to face



year or less	contact with customer to identify extenuating circumstances or any potential issues that can be remedied and seek voluntary compliance
Third repeat of at least five days of excess usage during one monitoring period within one year or less	Order to correct violation per KCC (Appendix E)
Fourth repeat of at least five days of excess usage during one monitoring period within one year or less	Notice of Violation and Abatement or Notice of Infraction per KCC

B. In the case that individual well usage exceeds the established *annual average maximum*, the following actions may be taken by KCPHD staff:

Excess Annual Average Usage	Compliance Action
Any one year of excess usage	Notification to customer of usage limitations (Appendix D) by mail, email, phone or face to face contact with customer to identify extenuating circumstances or any potential issues that can be remedied and seek voluntary compliance
Any two years of excess usage within a five year period	Order to correct violation per KCC (Appendix E)
Any three years or more of excess usage within a five year period	Notice of Violation and Abatement or Notice of Infraction per KCC

C. In the case that that the limitation on square footage of lawn or garden (Package B only) is exceeded, the following compliance actions may be taken by KCPHD staff:

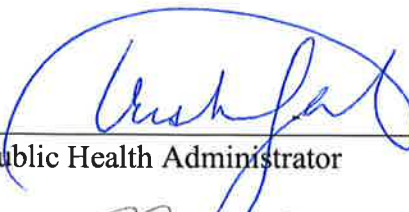
Excess Lawn/Garden Usage	Compliance Action
Any one instance of excess usage	Order to Correct Violation per KCC (Appendix E)
Any second or more instance of excess usage, or lack of voluntary compliance after first instance	Notice of Violation and Abatement or Notice of Infraction per KCC


D. Intentional violations, such as but not limited to, meter tampering, falsifying Irrigation Affidavits, etc. may result in an immediate Notice of Violation and Abatement or Notice of Infraction per KCC.

E. Reference Kittitas County Code: 18.02.020 for Order to Correct Violation, 18.02.030 for Notice of Violation and Abatement, and 18.02.040 for Notice of Infraction.

#### IV. Applicability

- A. This policy applies to all County staff working in KCMMP, all wells that are mitigated through KCMMP, and all wells metered through KCMMP.
- B. This policy is effective on the date both the Public Health Administrator and the Health Officer have signed.
- C. This policy is subject to review annually.

  
 Public Health Administrator \_\_\_\_\_ Date May 3, 2019

  
 Health Officer \_\_\_\_\_ Date 5/6/19