
ENGROSSED SUBSTITUTE SENATE BILL 5910

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Energy & Utilities (originally sponsored by Senator Sutherland)

Read first time 03/03/93.

1 AN ACT Relating to public drinking water systems; adding a new
2 chapter to Title 70 RCW; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that a state-wide
5 assessment of water systems has shown that public drinking water
6 systems have a critical need for financial assistance to assure safe,
7 reliable, and viable water supplies, meet the requirements of the
8 federal safe drinking water act, provide for comprehensive planning and
9 regional planning of public water systems, assess the status of the
10 state's drinking water quality, develop least-cost solutions to public
11 water systems through consolidation of small systems into larger and
12 financially viable utilities, and implement demand management
13 strategies to more effectively use the state's financial resources and
14 water resources.

15 The federal government has indicated an intention to provide new
16 funding for water system needs on a national basis within a program of
17 federal investment in infrastructure intended to provide a significant
18 number of jobs nation-wide this year. The state of Washington does not

1 have the broad-based authority and ability to promptly receive and
2 disburse federal assistance to eligible water systems.

3 It is the intent of the legislature to provide for a system of
4 grants and/or loans, in addition to existing state financial assistance
5 programs, that will: (1) Receive and utilize federal funding to
6 provide assistance for planning, design, acquisition, construction,
7 consolidation, and improvement of public water systems facilities and
8 activities; (2) meet the short-term and long-term needs identified and
9 prioritized in the state-wide assessment; and (3) encourage responsible
10 and efficient water system management throughout the state.

11 It is the further intent of the legislature to use existing state
12 funding programs for the administrative and financial mechanisms
13 necessary to ensure prompt and coordinated delivery of the financial
14 assistance to public water systems authorized under this chapter.

15 NEW SECTION. **Sec. 2.** Unless the context clearly requires
16 otherwise, the definitions in this section apply throughout this
17 chapter.

18 (1) "Board" means the public works board.

19 (2) "Department" means the department of health.

20 (3) "Private water purveyor" means a public water system not owned
21 by a governmental body.

22 (4) "Public water purveyor" means a governmental body, including a
23 public or quasi-public organization, that owns and operates a public
24 water system, or the authorized agent of such an entity.

25 (5) "Public water system" has the meaning prescribed in the
26 Washington state safe drinking water act, chapter 70.119A RCW.

27 NEW SECTION. **Sec. 3.** The drinking water assistance account is
28 established in the state treasury. Money may be placed in the account
29 from the proceeds of bonds when authorized by the legislature,
30 transfers from other state funds or accounts, federal financial
31 assistance, or any other lawful source. Moneys from the account may be
32 spent only by the secretary of health or the public works board after
33 appropriation. Expenditures from the account may be used only to meet
34 the purposes of this chapter.

35 NEW SECTION. **Sec. 4.** The department shall, by January 1, 1994, in
36 consultation with the board, purveyors, local health departments, and

1 other interested parties, establish guidelines and requirements for the
2 provision of grants and/or loans to public water systems that are
3 consistent with the findings and intent contained in section 1 of this
4 act. The department shall ensure that guidelines and requirements:

5 (1) Utilize, to the maximum extent, all available federal financial
6 assistance;

7 (2) Are consistent with existing water resource planning and
8 management, including coordinated water supply plans, regional water
9 resource plans, and comprehensive plans under the growth management
10 act, chapter 36.70A RCW;

11 (3) Prioritize least-cost solutions, including consolidation and
12 restructuring of small systems into more economical units and the
13 provision of regional facilities;

14 (4) Assure implementation of water conservation and other demand
15 management measures consistent with state guidelines for water
16 utilities;

17 (5) Provide assistance for the necessary planning and engineering
18 to assure that consistency, coordination, and proper professional
19 review are incorporated into projects or activities proposed for
20 funding;

21 (6) Include minimum standards for financial viability and water
22 system planning;

23 (7) Provide for testing and evaluation of the water quality of the
24 state's public water systems to assure that priority for financial
25 assistance is provided to systems and areas with threats to public
26 health from contaminated supplies and reduce in appropriate cases the
27 substantial increases in costs and rates that customers of small
28 systems would otherwise incur under the monitoring and testing
29 requirements of the federal safe drinking water act; and

30 (8) Are coordinated, to the maximum extent possible, with other
31 state programs that provide financial assistance to public water
32 systems and state programs that address existing or potential water
33 quality or drinking water contamination problems.

34 NEW SECTION. **Sec. 5.** The board shall develop a financial
35 assistance program using appropriated funds from the drinking water
36 assistance account to meet the purposes and implement the guidelines
37 authorized in this chapter. The board shall consult with the

1 department and water purveyors in developing the financial assistance
2 program.

3 The board shall develop criteria for grants and/or loans to be made
4 to public water systems. The criteria shall emphasize public water
5 systems with the most critical public health needs; the capacity of the
6 water system to effectively manage its resources; the ability to
7 promptly commence the project; and the relative benefit to the
8 community served. Priority shall be given to those systems that are
9 ready to proceed, that will provide water system improvements to the
10 greatest number of people, and any other criteria that the board shall
11 develop in consultation with the department and water system purveyors.

12 NEW SECTION. **Sec. 6.** The department and the board shall be
13 entitled to reasonable administrative expenses in developing and
14 implementing the programs authorized under this chapter.

15 In all cases where the department, board, and any other department,
16 agency, board, or commission of state government interact or provide
17 service under this chapter, the administering government body shall
18 endeavor to provide cost-effective services. The provision of services
19 shall include: (1) The use of policy statements or guidelines instead
20 of administrative rules; (2) using existing management mechanisms
21 rather than creating new administrative structures; (3) investigating
22 the use of service contracts, either with other governmental entities
23 or with nongovernmental service providers; (4) the use of joint or
24 combined financial assistance applications; and (5) any other method or
25 practice designed to streamline the delivery of services.

26 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and shall take
29 effect immediately.

30 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act shall
31 constitute a new chapter in Title 70 RCW.

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