

HOUSE BILL REPORT

HB 1283

As Reported by House Committee On:
Environmental Health

Title: An act relating to public water supply system operators.

Brief Description: Modifying provisions regarding the operators of public water supply systems.

Sponsors: Representatives Rolfes, Campbell, Kretz, Upthegrove and Ormsby; by request of Department of Health.

Brief History:

Committee Activity:

Environmental Health: 2/19/09 [DPS].

Brief Summary of Substitute Bill

- Clarifies the authority to certify and revoke or suspend certification for backflow assembly testers and cross-connection control specialists working with public water systems.

HOUSE COMMITTEE ON ENVIRONMENTAL HEALTH

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Finn, Hudgins and Rolfes.

Staff: Pam Madson (786-7111)

Background:

Operators of a public water system must be certified if the system serves 15 or more connections or serves an average of 25 or more people during a 60-day period in a year. A public water system is a system providing piped water for human consumption including collection, treatment, storage, or distribution facilities. A certified operator is the person in charge of the technical operation of the system or a major part of the system.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Any examination required for certification must be offered in each region in which the Department of Health (DOH) has a regional office. A certificate may be revoked, after a hearing, if the certificate was obtained by fraud, if the operator commits gross negligence in the operation of a purification plant or distribution system, or if the operator violates laws on water system operation or rules or orders of the DOH.

A cross-connection is a physical link between a drinking water system and a potential source of contamination. Backflow conditions can occur when pressure in the system is such that water from a potential source of contamination is introduced into the public water system. Cross-connection control programs are required for public drinking water systems to prevent this from occurring. Backflow preventers are used to help isolate potential sources of contamination. Under the Uniform Plumbing Code, homeowners must install backflow preventers to protect the homeowner's plumbing system from contamination.

The definition of a Group A water system in state law is not consistent with the definition in the federal Safe Drinking Water Act. The state definition excludes a system that serves fewer than 15 residences regardless of the number of people served. This is not consistent with that portion of the definition that includes a system that serves an average of 25 or more people per day regardless of the number of service connections. A system could have fewer than 15 connections but serve more than 25 people.

Summary of Substitute Bill:

The operators of a public water system must be certified, including backflow assembly testers and cross-connection control specialists.

Any examination required for certification must be offered in both eastern and western Washington.

The Secretary of the DOH may revoke or suspend an operator's certificate for fraudulently obtaining it, for committing gross negligence in operating a public water system, for fraud or gross negligence inspecting, testing, maintenance, or repair of backflow assemblies, devices, or air gaps intended to protect a public water system from contamination, or for intentionally violating laws on water system operation or rules or orders of the DOH.

Reference to the exclusion of a water system serving fewer than 15 residences is removed from the definition of a Group A water system, making the state definition consistent with federal law.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies the activities performed by a backflow assembly tester, clarifies the basis for revoking or suspending a certificate, and clarifies that requirements for specialty plumbers apply to backflow assembly testers who work on the system inside a building.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The DOH has been certifying operators of water systems for over 30 years. They are critical to public health and the safety of drinking water. This is an agency request bill to clarify agency authority in three areas. Cross-connection control specialists have been certified since 1978 and backflow assembly testers have been certified since 1994. The authority for certification is general authority to certify operators of water systems or parts of water systems. This bill provides clearer specific authority for certification and doesn't expand the agency's authority. Secondly, revocation of certification is based on negligence in operation of a purification plant or distribution system. The bill clarifies the ability to suspend or revoke certification for negligence anywhere in the system. Cross-connection control can be on the other side of the service meter, which is not considered part of the distribution system. The DOH would investigate complaints and take input from all parties before action to suspend or revoke is taken. This doesn't happen very often. There has been a recent example where authority to revoke certification of a backflow assembly tester for fraud and negligence was questioned. The hearing requirement before suspension or revocation under fraud or negligence is removed but due process is still provided in applicable laws and rules when a certificate is revoked or suspended remains in place. This satisfies concerns about operators losing certain due process rights. The third area is the definition of a public water supply. It is changed to conform to the federal definition in U.S. Environmental Protection Agency rules. The Safe Drinking Water Act was amended in 1996, which created a conflict between state law and federal law, and the definition is now consistent.

(Opposed) None.

Persons Testifying: Gregg Grunenfelder, Department of Health; Ron Speer, Soos Creek Water and Sewer District; and Katherine Brooks, Pierce County Public Works and Utilities.

Persons Signed In To Testify But Not Testifying: None.