
Environmental Health Committee

HB 1998

Brief Description: Concerning public water systems.

Sponsors: Representatives Sullivan, Rodne, Simpson and Anderson.

Brief Summary of Bill

- Provides that the requirement for consistency of coordinated water system plans with local land use plans, shoreline master programs, and development policies relates only to provision of safe and reliable drinking water.

Hearing Date: 2/19/09

Staff: Pam Madson (786-7111)

Background:

The Washington State Board of Health (Board) is authorized to adopt rules regarding public water supply systems. The Department of Health (DOH) implements the Safe Drinking Water Act under an agreement with the U.S. Environmental Protection Agency and rules adopted by the Board.

The Public Water System Coordination Act (Act) establishes a method to coordinate water system planning in areas where water supply problems exist that relate to a lack of coordinated planning or problems that threaten water quality or the reliability of service. The purpose of the Act is to provide coordination and minimum planning and design standards to ensure that regional needs are met.

The first step in the coordination process is to identify geographic areas where water supply problems exist. The Secretary of the DOH or a county legislative authority may designate an area as a critical water supply service area. External boundaries of the critical water supply service area are determined through a representative committee of water purveyors, county

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legislative authorities, county planning agencies, and health agencies. Boundaries must reflect existing land usage, permitted densities in county plans, ordinances, and growth policies.

Each water system purveyor within the critical service area must develop its own water system plan for its future service area.

The committee must develop a coordinated plan for the entire critical water supply service area and include the individual water system plans. Decisions by the committee shall be by majority vote of those present at the committee meetings.

The DOH adopts rules on the scope and content of a coordinated water system plan. At a minimum, a plan must:

- recognize all water resource plans, water quality plans, and water pollution control plans adopted by local, regional, or state governments;
- incorporate fire protection standards;
- identify future service area boundaries of existing water purveyors;
- identify feasible emergency inter-ties;
- include satellite management requirements for areas not yet served by an existing purveyor or where an existing purveyor is unable or unwilling to provide service; and
- include policies to address failing water systems.

The coordinated water system plan must be reviewed by local governments to insure that the plan is not inconsistent with land use plans, shoreline master programs, and development policies of local governments.

Before a plan is submitted to the DOH for approval, the county legislative authority must hold a hearing. If any portion of the coordinated plan or the individual plans is inconsistent with local land use plans, shoreline master programs, or local government development policies, the DOH may not approve those portions of the plan that are inconsistent until the inconsistency is resolved between the local government and the water system purveyor.

Either a county legislative authority or the DOH may initiate an update of a coordinated plan. If the state initiates an update or revision, the state must pay for the cost of updating or revising the plan. A county may initiate an update at any time but the DOH is limited to once every five years.

After approval of a coordinated plan, no new water system may be approved within the boundaries unless the local legislative authority determines an existing water purveyor is unable to provide service in a timely and reasonable manner.

Municipal water law requires that a plan for water service to new industrial, commercial, and residential uses must be consistent with comprehensive plans and development regulations adopted by local government for the service area and those adopted under the Growth Management Act. It also establishes a duty for a municipal water supplier to provide retail water service within its retail service area under certain specified conditions.

Summary of Bill:

In addition to those purposes initially identified for the Public Water System Coordination Act (Act), the purpose of the Act is to ensure that a coordinated water system plan and individual water system plans are consistent with comprehensive plans or development regulations adopted under the Growth Management Act or other land use plans or development regulations adopted by local government and determined to be reasonably related to providing safe and reliable drinking water by the Secretary of the DOH.

Consistency of coordinated public water system plans and individual plans with land use plans, shoreline master programs, resource plans, and local development policies is limited to those portions of these plans, rules, and policies that are reasonably related to providing a safe and reliable drinking water supply.

The decision-making process is modified for development of a coordinated water system plan. The need for designating an area as a critical water supply service area is determined by a majority vote of local planning agencies and purveyors. In developing a coordinated plan, decisions are made by a majority vote of water supply purveyors located within the boundaries of the proposed critical water supply service area rather than a majority of those present at a meeting.

Once an initial coordinated water system plan is adopted, updates may be initiated by county governments at any time or by the Secretary once every five years. The purpose of an update is to address providing a safe drinking water supply. If a county initiates an update, the county must pay for the cost of updating or revising the plan.

Appropriation: None.

Fiscal Note: Requested on February 18, 2009.

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