

SENATE BILL REPORT

SB 5199

As Reported by Senate Committee On:
Environment, Water & Energy, January 27, 2009

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

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

Sponsors: Senators Fraser, Morton, Rockefeller and Shin; by request of Department of Health.

Brief History:

Committee Activity: Environment, Water & Energy: 1/27/09 [DPS].

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Majority Report: That Substitute Senate Bill No. 5199 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Marr, Morton and Sheldon.

Staff: Karen Epps (786-7424)

Background: A Group A water system or a public water system using a surface or ground water supply under the direct influence of surface water are required to have a certified operator. The Department of Health (Department) oversees the operator certification process. The Department may revoke an operator's certificate for violations involving the portion of the public water system that stores, transmits, pumps, and distributes water to consumers or the public water system's treatment facilities.

Backflow assembly testers and cross-connection control specialists are currently regulated under the Department's general authority to protect public water systems. A backflow assembly tester inspects, tests, and monitors backflow assemblies that protect a public water system. A cross-connection control specialist develops and implements cross-connection control programs.

Summary of Bill (Recommended Substitute): Backflow assembly testers and cross-connection control specialists must be certified by the Department. If the Department requires an examination as a prerequisite for the issuance of a certificate for a backflow

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assembly tester, a certified operator, or a cross-connection control specialist, the Department must offer the examination in both eastern and western Washington.

The Department may immediately revoke or suspend a certificate for fraud, deceit, or gross negligence involving the operation or maintenance of a public water system, or in inspecting, testing, maintenance, or repair of backflow assemblies, devices, or air gaps intended to protect a public water system from contamination, if the certificate was obtained fraudulently, or if there is an intentional violation of the rules of the Department.

EFFECT OF CHANGES MADE BY ENVIRONMENT, WATER & ENERGY COMMITTEE (Recommended Substitute): Makes technical changes to the definition of a backflow assembly tester. Clarifies when the department may revoke or suspend a certificate.

Appropriation: None.

Fiscal Note: Requested on January 30, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Without passage of this bill, due to lengthy due process periods, public health may be at risk from operators, backflow assembly testers, and cross-connection control specialists who are not doing their job properly. This bill makes the definition of a Group A water system consistent with federal law. This bill would require backflow assembly testers and cross-connection control specialists to be certified in the same manner as certified operators. This would protect public health by making sure the potable water system is protected from infiltration from irrigation water.

Persons Testifying: PRO: Gregg Grunenfelder, Department of Health; Robert Hunter, Kitsap PUD; Bruce Beauchene, City of Kennewick.