
SUBSTITUTE HOUSE BILL 1709

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Fraser, Miller, Rust, Valle, Roland, Winsley, Rasmussen, Ebersole, Wineberry and Dorn; by request of Department of Health).

Read first time March 5, 1991.

1 AN ACT Relating to public water system operating permits; amending
2 RCW 70.119A.030 and 70.119A.060; adding new sections to chapter 70.119A
3 RCW; creating a new section; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) The responsibility for ensuring that the citizens of this state
7 have a safe and reliable drinking water supply is shared between local
8 government and state government, and is the obligation of every public
9 water system;

10 (2) A rapid increase in the number of public water systems
11 supplying drinking water to the citizens of this state has
12 significantly increased the burden on both local and state government
13 to monitor and enforce compliance by these systems with state laws that
14 govern planning, design, construction, operation, maintenance,
15 financing, management, and emergency response;

1 (3) The federal safe drinking water act imposes on state and local
2 governments and the public water systems of this state significant new
3 responsibilities for monitoring, testing, and treating drinking water
4 supplies; and

5 (4) Existing drinking water programs at both the state and local
6 government level need additional authorities to enable them to more
7 comprehensively and systematically address the needs of the public
8 water systems of this state and assure that the public health and
9 safety of its citizens are protected.

10 Therefore, annual operating permit requirements for all public
11 water systems shall be established. The operating permit requirements
12 shall be administered by the department and shall be used as a means to
13 assure that public water systems provide safe and reliable drinking
14 water to the public. The department and local government shall conduct
15 comprehensive and systematic evaluations to assess the adequacy and
16 financial viability of public water systems. The department may impose
17 permit conditions, requirements for system improvements, and compliance
18 schedules in order to carry out the purpose of this act.

19 **Sec. 2.** RCW 70.119A.030 and 1989 c 422 s 6 are each amended to
20 read as follows:

21 (1) The secretary or his or her designee or the local health
22 officer may declare a public health emergency. As limited by RCW
23 70.119A.040, the department may impose penalties for violations of laws
24 or regulations that are determined to be a public health emergency.

25 (2) As limited by RCW 70.119A.040, the department may impose
26 penalties for failure to comply with an order of the department, or of
27 an authorized local board of health, when the order:

28 (a) Directs any person to stop work on the construction or
29 alteration of a public water system when plans and specifications for

1 the construction or alteration have not been approved as required by
2 the regulations, or when the work is not being done in conformity with
3 approved plans and specifications;

4 (b) Requires any person to eliminate a cross-connection to a public
5 water system by a specified time; or

6 (c) Requires any person to cease violating any regulation relating
7 to public water systems, ~~((or))~~ to take specific actions within a
8 specified time to place a public water system in compliance with
9 regulations adopted under chapters 43.20 and 70.119 RCW, to apply for
10 an operating permit as required under section 4 of this act or to
11 comply with any conditions or requirements imposed as part of an
12 operating permit.

13 **Sec. 3.** RCW 70.119A.060 and 1990 c 132 s 4 are each amended to
14 read as follows:

15 (1) In order to assure safe and reliable public drinking water and
16 to protect the public health, public water systems shall:

17 (a) Protect the water sources used for drinking water;

18 (b) Provide treatment adequate to assure that the public health is
19 protected;

20 (c) Provide and effectively operate and maintain public water
21 system facilities;

22 (d) Plan for future growth and assure the availability of safe and
23 reliable drinking water;

24 (e) Provide the department with the current names, addresses, and
25 telephone numbers of the owners, operators, and emergency contact
26 persons for the system, including any changes to this information, and
27 provide to users the name and twenty-four hour telephone number of an
28 emergency contact person; and

1 (f) Take whatever investigative or corrective action is necessary
2 to assure that a safe and reliable drinking water supply is
3 continuously available to users.

4 (2) The department and local health jurisdictions shall carry out
5 the rules and regulations of the state board of health adopted pursuant
6 to RCW 43.20.050(2)(a) and other rules adopted by the department
7 relating to public water systems.

8 NEW SECTION. **Sec. 4.** (1) No person may operate a public water
9 system with fifteen or more service connections, regardless of the
10 number of people, or a system serving an average of twenty-five or more
11 people per day for sixty or more days within a calendar year,
12 regardless of the number of service connections, unless the person
13 first submits an application to the department and receives an
14 operating permit as provided in this section. A new application must
15 be submitted upon any change in ownership of the system.

16 (2) The department may require that each application include the
17 information that is reasonable and necessary to determine that the
18 system complies with applicable standards and requirements of the
19 federal safe drinking water act, state law, and rules adopted by the
20 department or by the state board of health.

21 (3) Following its review of the application, its supporting
22 material, and any information received by the department in its
23 investigation of the application, the department shall issue or deny
24 the operating permit. The department shall act on initial permit
25 applications as expeditiously as possible, and shall in all cases
26 either grant or deny the application within one hundred twenty days of
27 receipt of the application or of any supplemental information required
28 to complete the application. The applicant for a permit shall be
29 entitled to a public hearing if the department denies the initial or

1 subsequent applications or imposes conditions or requirements upon the
2 operator.

3 (4) At the time of initial permit application or at the time of
4 permit renewal the department may impose such permit conditions,
5 requirements for system improvements, and compliance schedules as it
6 determines are reasonable and necessary to ensure that the system will
7 provide a safe and reliable water supply to its users.

8 (5) Operating permits shall be issued for a term of one year, and
9 shall be renewed annually.

10 (6) Each application shall be accompanied by an annual permit fee
11 at a level set by the department by rule. The department may establish
12 different fee levels for initial permit applications and for renewals.
13 Operating permit fees shall be adequate to pay for department
14 implementation costs. The fees shall correspond to the number of
15 connections and customers of the system, and shall be not less than one
16 hundred thirty-five dollars and not more than five thousand dollars per
17 year.

18 (7) An approved satellite management agency is required to have
19 only one operating permit. The operating permit fee for an approved
20 satellite management agency shall be one dollar per connection per year
21 for the total number of connections under the management of the
22 approved satellite management agency. The department by rule shall
23 establish the standards for approval of satellite management agencies.

24 (8) The department may phase-in the implementation for any group of
25 systems provided the schedule for implementation is established by
26 rule. The department shall allow lower operating permit fees for a
27 two-year period for any public water system making a good faith effort
28 to contract with an approved satellite management agency for management
29 and operations services.

1 NEW SECTION. **Sec. 5.** The safe drinking water account is created
2 in the state treasury. All receipts from the operating permit fees
3 required to be paid under section 4 of this act shall be deposited into
4 the account. Moneys in the account may be spent only after
5 appropriation. Expenditures from the account may be used by the
6 department of health to carry out the purposes of this act and to carry
7 out contracts with local governments in accordance with chapter 70.119A
8 RCW.

9 NEW SECTION. **Sec. 6.** A local government may not require a public
10 water system required to have an operating permit under section 4 of
11 this act to obtain an operating permit from the local government. A
12 local government may require a public water system not required to have
13 an operating permit under section 4 of this act to obtain an operating
14 permit from the local government.

15 NEW SECTION. **Sec. 7.** This act shall take effect July 1, 1991.

16 NEW SECTION. **Sec. 8.** Sections 4 through 6 of this act are each
17 added to chapter 70.119A RCW.

18 NEW SECTION. **Sec. 9.** The department shall adopt the rules
19 necessary to implement sections 4 through 6 of this act.