

FINAL BILL REPORT

E2SSB 5448

PARTIAL VETO

C 376 L 95

Synopsis as Enacted

Brief Description: Modifying provisions for public water system regulation.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Hochstatter, Sutherland and Winsley; by request of Department of Health).

Senate Committee on Energy, Telecommunications & Utilities

Senate Committee on Ways & Means

House Committee on Agriculture & Ecology

House Committee on Appropriations

Background: Washington has over 14,000 systems that provide drinking water to citizens throughout the state. Over 6,000 of these systems have been added in the past decade, with over 1,300 added in 1993 alone. Proportionate to the number of citizens, this is one of the highest numbers of total water systems among states in the nation. The size of these systems varies greatly, from one that can serve hundreds of thousands of customers to a system that supplies less than 15 connections.

Federal requirements under the Safe Drinking Water Act are in the several-year process of being implemented for many of these water systems. These testing requirements tend to have a much greater financial impact on smaller systems since the costs are spread to a smaller customer base.

The Washington Department of Health (DOH) has a significant role in regulating water systems. These duties include overseeing areas designated as having water supply problems and approving system plans for these critical areas. DOH also oversees a program designating "satellite system agencies" that are authorized to own or manage multiple water systems.

In 1993, DOH convened the Drinking Water 2000 Task Force to review the existing state regulatory program and develop recommendations for the future of regulating public water systems. The task force issued a report in January, 1995, outlining specific recommendations.

Summary: The power to allow the establishment of a new water system within the area of a coordinated water system plan is transferred from the Department of Health to the local legislative authority. DOH is to develop guidelines on conditions for these determinations.

Any new public water system must be owned or operated by a satellite system management agency where one is available. If a satellite system management agency is not available, a new water system must be determined to have sufficient management and financial resources

and its approval conditioned on it being owned or managed in the future by a satellite system management agency.

Counties are allowed to adopt abbreviated plans for critical water supply service areas. Additions are made to the required list of considerations for water purveyors that are required to adopt a critical water supply service area plan. Local legislative authorities may review, approve, and resolve disputes pertaining to service area boundaries in critical water supply service area plans. Funds raised from penalties imposed on public water systems are placed in the safe drinking water account.

Public water systems with fewer than 100 connections are not required to have a certified operator unless DOH determines the system is in significant noncompliance with monitoring requirements or quality standards.

A water supply advisory committee is created to advise DOH on the drinking water program. Committee membership is to include a broad range of interests related to the regulation of public water supplies.

The number of water service connections that can be made to a group domestic use system with an individual well is determined by dividing the maximum daily withdrawal amount of the water right by 400. DOH may approve a greater number of connections based on a factor of less than 400 gallons per day.

A drinking water assistance account is created in the state treasury for the purpose of receiving federal funds made available for safe drinking water. Other potential sources of funds for the account are specified. Moneys in the account may only be used to assist water systems and local governments to provide safe and reliable drinking water and to administer the program. Expenditures from the account may only be made by the Secretary of DOH or the Public Works Board after appropriation. Funds in the public works assistance account may be appropriated for state match requirements on projects funded through the drinking water assistance account.

For the chapter of code regulating the certification of water system operators, a "Group B water system" is defined to mean a system with more than four but less than 15 service connections. Additional conditions are added to the definition based on the number of people served per day or during a limited period within a calendar year.

A provision is deleted that prevents, until July 1, 1996, local governments from administering a separate operating permit requirement for public water systems.

Language is added clarifying that it is a misdemeanor to make an unauthorized connection with a water system of a sewer district or a water district.

Votes on Final Passage:

Senate 47 0
House 95 0 (House amended)
Senate (Senate refused to concur)
House (House refused to recede)
Senate (Senate refused to concur)

Conference Committee

House 94 0
Senate 44 0

Effective: July 1, 1995 (Section 9)
July 23, 1995

Partial Veto Summary: The section allowing the number of connections to a water system to be based on an average of 400 gallons per day, per connection, was vetoed. Also vetoed was the section defining a "Group B water system" for the chapter of code regulating the certification of water system operators.