
HOUSE BILL 1405

State of Washington

54th Legislature

1995 Regular Session

By Representatives Chandler, Horn and Mastin; by request of Department of Health

Read first time 01/24/95. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to public water systems; amending RCW 70.116.060
2 and 70.119A.060; and creating a new section.

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

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

5 (1) Protection of the state's water resources, and utilization of
6 such resources for provision of public water supplies, requires more
7 efficient and effective management than is currently provided under
8 state law;

9 (2) The provision of public water supplies to the people of the
10 state should be undertaken in a manner that is consistent with the
11 planning principles of the growth management act and the comprehensive
12 plans adopted by local governments under the growth management act;

13 (3) Small water systems have inherent difficulties with proper
14 planning, operation, financing, management and maintenance. The
15 ability of such systems to provide safe and reliable supplies to their
16 customers on a long-term basis needs to be assured through proper
17 management and training of operators;

18 (4) New water quality standards and operational requirements for
19 public water systems will soon generate higher rates for the customers

1 of those systems, which may be difficult for customers to afford to
2 pay. It is in the best interest of the people of this state that small
3 systems maintain themselves in a financially viable condition;

4 (5) County governments are ultimately responsible to act as
5 receivers of any failing water systems within their jurisdictions;

6 (6) The drinking water 2000 task force has recommended maintaining
7 a strong and properly funded state-wide drinking water program,
8 retaining primary responsibility for administering the federal safe
9 drinking water act in Washington. The task force has further
10 recommended delegation of as many water system regulatory functions as
11 possible to local governments, with provision of adequate resources and
12 elimination of barriers to such delegation;

13 (7) The public health services improvement plan recommends that the
14 principal public health functions in Washington, including regulation
15 of public water systems, should be undertaken by local jurisdictions
16 with the capacity to perform them; and

17 (8) State government, local governments, water suppliers, and other
18 interested parties should work for continuing economic growth of the
19 state by maximizing the use of existing water supply management
20 alternatives, including regional water systems, satellite management,
21 and coordinated water system development.

22 **Sec. 2.** RCW 70.116.060 and 1977 ex.s. c 142 s 6 are each amended
23 to read as follows:

24 (1) A coordinated water system plan shall be submitted to the
25 secretary for design approval within two years of the establishment of
26 the boundaries of a critical water supply service area.

27 (2) The secretary shall not approve those portions of a coordinated
28 water system plan which fail to meet the requirements for future
29 service area boundaries as set forth in RCW 70.116.070.

30 (3) Following the approval of a coordinated water system plan by
31 the secretary:

32 (a) All purveyors constructing or proposing to construct public
33 water system facilities within the area covered by the plan shall
34 comply with the plan.

35 (b) No other purveyor shall establish a public water system within
36 the area covered by the plan, unless the (~~secretary~~) local
37 legislative authority determines that existing purveyors are unable to
38 provide the service in a timely and reasonable manner, pursuant to

1 guidelines developed by the secretary. If such a determination is
2 made, the (~~secretary may~~) local legislative authority shall require
3 the new public water system to be constructed in accordance with the
4 construction standards and specifications embodied in the coordinated
5 water system plan approved for the area. The service area boundaries
6 in the coordinated plan for the affected utilities shall be revised to
7 reflect the decision of the local legislative authority.

8 (4) The secretary may deny proposals to establish or to expand any
9 public water system within a critical water supply service area for
10 which there is not an approved coordinated water system plan at any
11 time after two years of the establishment of the critical water supply
12 service area: PROVIDED, That service connections shall not be
13 considered expansions.

14 **Sec. 3.** RCW 70.119A.060 and 1991 c 304 s 4 are each amended to
15 read as follows:

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

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

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

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

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

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

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

33 (2) No new public water system may be approved or created within an
34 urban growth area established under RCW 36.70A.110 unless it is owned
35 or operated by a satellite system management agency established under
36 RCW 70.116.134. No new public water system may be approved or created
37 in other areas of the state unless it is owned or operated by a
38 satellite system management agency established under RCW 70.116.134,

1 where available, and where the satellite system management system
2 complies with financial viability requirements of the department. The
3 approval of any new system that is not owned by a satellite system
4 management agency shall be conditioned upon future connection to
5 another system if such connection may be made with reasonable economy
6 and efficiency, or upon periodic review of the system's operational
7 history to determine its ability to meet the department's financial
8 viability and other operating requirements. The department and local
9 health jurisdictions shall enforce this requirement under authority
10 provided under this chapter, chapter 70.116, or 70.05 RCW, or other
11 authority governing the approval of new water systems by the department
12 or a local jurisdiction.

13 (3) The department and local health jurisdictions shall carry out
14 the rules and regulations of the state board of health adopted pursuant
15 to RCW 43.20.050(2)(a) and other rules adopted by the department
16 relating to public water systems.

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