

SENATE BILL REPORT

E2SHB 1969

As Reported By Senate Committee On:
Energy & Utilities, April 3, 1997

Title: An act relating to regulation of public water systems.

Brief Description: Regulating public water systems.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Chandler and Regala; by request of Department of Health).

Brief History:

Committee Activity: Energy & Utilities: 3/31/97, 4/3/97 [DP].

SENATE COMMITTEE ON ENERGY & UTILITIES

Majority Report: Do pass.

Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Staff: Phil Moeller (786-7445)

Background: Group A water systems are generally required to have a certified operator. The Department of Health (DOH) is required to phase in the requirements for certified operators for public water systems with less than 100 connections in order to assure that there are enough certified operators available to serve these systems, and to give these systems time to obtain a certified operator. Changes in federal law may require all Group A water systems to have certified operators.

DOH is required to develop and implement a voluntary program to allow public water systems to be waived from the full testing requirements for chemicals under the federal Safe Drinking Water Act (SDWA). There is no current authority for DOH to operate a consolidated source monitoring program.

In 1995, the Legislature created a drinking water assistance account to allow the state to use federal funds that became available under SDWA. The account is administered by DOH and the Public Works Board (PWB) and is used to provide funding for water systems to assist them in providing safe drinking water. Money may only be expended from the account by DOH or the PWB after appropriation. Congress approved funding under SDWA in 1996, and implementing legislation is needed to distribute the funds on a timely basis.

Summary of Bill: The Department of Health (DOH) and the Public Works Board (PWB) are directed to establish and maintain a program to use moneys in the drinking water assistance account in accordance with provisions under the federal SDWA. DOH, PWB, and the Department of Community, Trade, and Economic Development (DCTED) must adopt final joint rules and requirements for providing financial assistance to public water systems

in consultation with purveyors and other affected and interested parties by January 1, 1999. Prior to this date, DOH and PWB may establish and use guidelines to ensure the quick disbursement of the funds. Any guidelines must be converted to rules by January 1, 1999. After December 31, 1998, any requirements must be established by rule. By December 15, 1997, DOH and PWB must report to the Legislature on the status of the program.

Expenditures from the drinking water assistance account may only be made by DOH, PWB, or DCTED after appropriation. The money may only be used to assure water systems provide safe drinking water and other activities authorized under federal law. Interest earned on the account, including repayments, remain in the account and may be used for eligible purposes.

Any state agency participating in providing service under the drinking water assistance account must provide cost-effective and timely services. These mechanisms include: (1) adopting federal guidelines by reference into rules; (2) using existing management mechanisms rather than creating new ones; (3) investigating the use of service contracts with governmental and nongovernmental service providers; (4) using joint or combined financial assistance applications; and (5) other methods designed to expedite the delivery of service and financial assistance.

DOH determines assistance priorities and oversees activities related to the assistance other than financial administration. After consulting with interested parties, DOH, PWB, and DCTED must develop a memorandum of understanding setting forth the duties of each agency. PWB and DOH must begin making disbursements of funds from the drinking water assistance account no later than October 1, 1997.

DOH must require all Group A water systems to have a certified operator if it is necessary to conform to federal law, rules, or guidelines.

DOH is authorized to monitor source water quality on a consolidated statewide basis, rather than by individual water systems, to allow public water systems to be waived from full federal testing requirements for chemicals.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill creates the necessary statutory guidelines to receive and disburse federal funds that will improve drinking water systems throughout the state.

Testimony Against: None.

Testified: Steve Lindstrom, Sno-King Water District Coalition (pro); Skip Richards, State Water Supply Advisory Committee (pro); Pete Butkus, CTED (pro); Dave Clark, DOH (pro); Paul Parker, WA State Association of Counties (pro).