

HOUSE BILL REPORT

HB 2462

As Reported By House Committee On:
Agriculture & Ecology

Title: An act relating to water quality monitoring.

Brief Description: Requiring notification when microbial contamination in untreated water segments exceeds allowable standards and poses a public health risk.

Sponsors: Representatives Reardon, Scott, Cooper, Linville, G. Chandler, Stensen, Barlean, Regala, Santos, Rockefeller, Dunshee, Ruderman, Grant, Kessler, Cody, Kenney, Conway, Wolfe, Ogden, Murray, Schual-Berke, Keiser, Edmonds and Hurst.

Brief History:

Committee Activity:

Agriculture & Ecology: 1/27/00, 2/4/00 [DPS].

<p>Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">· Requires entities that monitor surface water quality to notify health districts of exceedances of criteria for primary contact recreation.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump; and Wood.

Staff: Carole Richmond (786-7114).

Background:

Water quality standards and monitoring requirements are established by the Department of Ecology for ambient water quality and by the Department of Health for drinking water source quality, recreational water contact facilities, and swimming beaches. No single standard exists.

The Department of Ecology's water quality standards vary depending on the classification of a body of water. Water bodies are classified as "extraordinary" (class AA), "excellent" (class A), "good" (class B), "fair" (class C), and lakes. The classification is derived from the kind of use that is expected from a water body; for example, domestic water supply, shellfish growing, or irrigation. The most limiting use defines the standard. The standards set the upper limit for how much contamination can be allowed in a body of water and still meet the use for which it is intended.

Water quality monitoring is carried out by various state and local agencies for a variety of purposes. The Department of Ecology maintains a number of water quality monitoring stations around the state to determine whether a range of water quality standards are being met. Additional monitoring of swimming beaches and shellfish growing areas takes place. Other public entities, such as local health departments and public utility districts contribute to this network of monitoring stations.

When a violation of standards occurs, information is provided to consumers in the form of a "boil water" notice, in the case of drinking water supplies, or in the form of annual reports for general water quality trends. Signs are posted in the case of swimming restrictions. No local entity provides direct mailing to residents.

Children have been shown to be at risk of contracting water borne illness through contact with urban streams.

Summary of Substitute Bill:

Water purveyors, public utility districts, cities or towns, and counties are required to screen any water samples they take in the course of routine water quality monitoring for an exceedance of the criteria for primary contact recreation established by the Department of Ecology. If the water is found to exceed those criteria, the local health district must be notified. Each of the entities that is engaged in monitoring must develop and provide a notice regarding water quality to customers they serve through utility billings. The notices must describe any exceedance of criteria for primary contact recreation. The notices must be provided semiannually.

After a health district has been advised of exceedances of criteria for primary contact recreation, the health district is required to post publicly accessible points of entry to water bodies with warning signs. Health districts must use established methods for conveying health risk information to the public. Warning signs must remain in place until the causes of contamination have been addressed and the water body is in attainment with criteria for primary contact recreation for at least two years.

Substitute Bill Compared to Original Bill: The water quality standard to be used for screening exceedances is defined as the criteria established by the Department of Ecology for primary contact recreation. Entities involved in water quality monitoring must notify local health districts when these criteria are exceeded. They must also prepare a notice for their customers pertaining to the quality of source waters and describing any exceedances of criteria for primary contact recreation. Notices must be provided twice per year through utility mailings and other media.

Local health districts are not required to perform a risk assessment. Instead, they are required to ensure that publicly accessible points of entry to the contaminated water is posted with signs warning of contamination. Health districts are required to use existing methods established by the Department of Health to advise people residing near the contamination.

Holders of National Pollutant Discharge Elimination System (NPDES) permits are not subject to these requirements.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is a simple right-to-know measure. Currently, entities that monitor water are not required to notify families of water contamination. There can be a risk of serious injury or death from contact with contaminated water. This bill simply says notify the public when existing information shows there is a problem. We bought our house thinking it was a great area for the kids. My son has had a long-term illness that could have been prevented, just from playing in his backyard. We need to face the fact that urban streams pose a danger.

(Concerns) Concerned that people will think the water is safe unless they receive notification. Concerned that notice may not be timely. Concerned about the cost of this measure. This is an unfunded mandate.

Testimony Against: All urban streams, except one, do not meet drinking water standards. Information based on a single sample point can be misleading. Location and timing of sampling all affect the information you get. We urge you to correct the sources of contamination, provide money for testing, find the sources of contamination, and correct the problems. Send general instead of individual notification. I learned not to drink ditch water. The NPDES permits will not pick up microbial contamination. Educational programs are better than mailing. Posting of

swimming beaches is less onerous. The majority of streams are not tested. Even when tested, waters are tested for a limited number of pathogens.

Testified: Representative Aaron Reardon (prime sponsor); Bob Drewel, Snohomish County Executive; Christian Maitland; Rebecca Maitland; Randy Maitland; Caleb Maitland, Evan Howard, Kyle Lindsay, Jake Leasure, Junior Stream Keepers; David Weiser, city of Marysville; Donna Wright; Dave Williams, Association of Washington Cities; and Art Starry, Washington Association of Local Public Health Officials.