
HOUSE BILL 2462

State of Washington

56th Legislature

2000 Regular Session

By 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

Read first time 01/13/2000. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to water quality monitoring; amending RCW 70.05.070
2 and 90.48.250; adding a new section to chapter 70.119A RCW; adding a
3 new section to chapter 54.16 RCW; adding a new section to chapter 35.88
4 RCW; adding a new section to chapter 36.94 RCW; and creating a new
5 section.

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

7 NEW SECTION. **Sec. 1.** In accordance with this act, it is the
8 intent of the legislature to require water purveyors, public utility
9 districts, counties, cities and towns, and entities issued a waste
10 discharge permit under chapter 90.48 RCW, that may be involved in the
11 monitoring of untreated surface water for various purposes, to notify
12 residents adjacent to water segments when:

13 (1) Monitoring of those segments shows them to exceed the state's
14 standards for microbial contamination; and

15 (2) Local health officers have determined that such contamination
16 presents a public health risk.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.119A
18 RCW to read as follows:

1 (1) Whenever a purveyor monitors the quality of the untreated
2 surface waters within its service area boundaries, the purveyor shall
3 determine whether the water exceeds the standards for microbial
4 contamination established by the state board of health or the
5 department of ecology. Within forty-eight hours of receiving a
6 laboratory analysis showing that a surface water sample exceeds one or
7 both of these standards, the purveyor shall ask the local health
8 district or local health department serving the residents within the
9 purveyor's service area to determine whether public exposure to the
10 contaminated water presents a public health risk. If the local health
11 district or department determines the presence of such a risk, the
12 purveyor shall identify the residences within five hundred feet of
13 either side of the stream extending upstream and downstream to the next
14 monitoring stations and within forty-eight hours shall notify the
15 residents by mail of the exceedence of water quality standards. The
16 mailing shall describe the standards found to be exceeded, the degree
17 of exceedence of water quality standards, and the risk posed by
18 ingesting or other contact with the water. The mailing shall also
19 include a disclaimer stating that only a small percentage of all
20 streams may be monitored, and, in the absence of water quality
21 information, that residents should assume untreated surface water is
22 not safe to drink.

23 (2) In addition to the requirements in subsection (1) of this
24 section, the purveyor shall post durable warning signs along the
25 surface water segment found to exceed water quality standards for
26 microbial contamination. The segment shall be bounded by the
27 monitoring stations located immediately upstream and downstream of
28 where the water exceeds these standards. The signs shall be placed on
29 posts or trees at public access points along the segment and shall
30 identify the standard or standards exceeded and the date of posting.
31 The signs shall remain in place until the water is found to be in
32 compliance with standards for microbial contamination.

33 (3) This section applies only to water samples taken in the months
34 of April through September, inclusive. Nothing in this section may be
35 construed to impose new or additional liability on purveyors.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 54.16 RCW
37 to read as follows:

1 (1) Whenever a public utility district monitors the quality of the
2 untreated surface waters within its service area boundaries, the
3 district shall determine whether the water exceeds the standards for
4 microbial contamination established by the state board of health or the
5 department of ecology. Within forty-eight hours of receiving a
6 laboratory analysis showing that a surface water sample exceeds one or
7 both of these standards, the district shall ask the local health
8 district or local health department serving the residents within the
9 district's service area to determine whether public exposure to the
10 contaminated water presents a public health risk. If the local health
11 district or department determines the presence of such a risk, the
12 district shall identify the residences within five hundred feet of
13 either side of the stream extending upstream and downstream to the next
14 monitoring stations and within forty-eight hours shall notify the
15 residents by mail of the exceedence of water quality standards. The
16 mailing shall describe the standards found to be exceeded, the degree
17 of exceedence of water quality standards, and the risk posed by
18 ingesting or other contact with the water. The mailing shall also
19 include a disclaimer stating that only a small percentage of all
20 streams may be monitored, and, in the absence of water quality
21 information, that residents should assume untreated surface water is
22 not safe to drink.

23 (2) In addition to the requirements in subsection (1) of this
24 section, the district shall post durable warning signs along the
25 surface water segment found to exceed water quality standards for
26 microbial contamination. The segment shall be bounded by the
27 monitoring stations located immediately upstream and downstream of
28 where the water exceeds these standards. The signs shall be placed on
29 posts or trees at public access points along the segment and shall
30 identify the standard or standards exceeded and the date of posting.
31 The signs shall remain in place until the water is found to be in
32 compliance with standards for microbial contamination.

33 (3) This section applies only to water samples taken in the months
34 of April through September, inclusive. Nothing in this section may be
35 construed to impose new or additional liability on public utility
36 districts.

37 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.88 RCW
38 to read as follows:

1 (1) Whenever a city or town monitors the quality of the untreated
2 surface waters within its boundaries, the city or town shall determine
3 whether the water exceeds the standards for microbial contamination
4 established by the state board of health or the department of ecology.
5 Within forty-eight hours of receiving a laboratory analysis showing
6 that a surface water sample exceeds one or both of these standards, the
7 city or town shall ask the local health district or local health
8 department serving the residents within the city or town to determine
9 whether public exposure to the contaminated water presents a public
10 health risk. If the local health district or department determines the
11 presence of such a risk, the city or town shall identify the residences
12 within five hundred feet of either side of the stream extending
13 upstream and downstream to the next monitoring stations and within
14 forty-eight hours shall notify the residents by mail of the exceedence
15 of water quality standards. The mailing shall describe the standards
16 found to be exceeded, the degree of exceedence of water quality
17 standards, and the risk posed by ingesting or other contact with the
18 water. The mailing shall also include a disclaimer stating that only
19 a small percentage of all streams may be monitored, and, in the absence
20 of water quality information, that residents should assume untreated
21 surface water is not safe to drink.

22 (2) In addition to the requirements in subsection (1) of this
23 section, the city or town shall post durable warning signs along the
24 surface water segment found to exceed water quality standards for
25 microbial contamination. The segment shall be bounded by the
26 monitoring stations located immediately upstream and downstream of
27 where the water exceeds these standards. The signs shall be placed on
28 posts or trees at public access points along the segment and shall
29 identify the standard or standards exceeded and the date of posting.
30 The signs shall remain in place until the water is found to be in
31 compliance with standards for microbial contamination.

32 (3) This section applies only to water samples taken in the months
33 of April through September, inclusive. Nothing in this section may be
34 construed to impose new or additional liability on cities and towns.

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.94 RCW
36 to read as follows:

37 (1) Whenever a county monitors the quality of the untreated surface
38 waters within its boundaries, the county shall determine whether the

1 water exceeds the standards for microbial contamination established by
2 the state board of health or the department of ecology. Within twenty-
3 four hours of receiving a laboratory analysis showing that a surface
4 water sample exceeds one or both of these standards, the county shall
5 ask the local health district or local health department serving the
6 county to determine whether public exposure to the contaminated water
7 presents a public health risk. If the local health district or
8 department determines the presence of such a risk, the county shall
9 identify the residences within five hundred feet of either side of the
10 stream extending upstream and downstream to the next monitoring
11 stations and within forty-eight hours shall notify the residents by
12 mail of the exceedence of water quality standards. The mailing shall
13 describe the standards found to be exceeded, the degree of exceedence
14 of water quality standards, and the risk posed by ingesting or other
15 contact with the water. The mailing shall also include a disclaimer
16 stating that only a small percentage of all streams may be monitored,
17 and, in the absence of water quality information, that residents should
18 assume untreated surface water is not safe to drink.

19 (2) In addition to the requirements in subsection (1) of this
20 section, the county shall post durable warning signs along the surface
21 water segment found to exceed water quality standards for microbial
22 contamination. The segment shall be bounded by the monitoring stations
23 located immediately upstream and downstream of where the water exceeds
24 state standards. The signs shall be placed on posts or trees at public
25 access points along the surface water segment where the water exceeds
26 state standards for microbial contamination and shall identify the
27 standard or standards exceeded and the date of posting. The signs
28 shall remain in place until the water is found to be in compliance with
29 standards for microbial contamination.

30 (3) This section applies only to water samples taken in the months
31 of April through September, inclusive. Nothing in this section may be
32 construed to impose new or additional liability on cities and towns.

33 **Sec. 6.** RCW 70.05.070 and 1999 c 391 s 5 are each amended to read
34 as follows:

35 The local health officer, acting under the direction of the local
36 board of health or under direction of the administrative officer
37 appointed under RCW 70.05.040 or 70.05.035, if any, shall:

1 (1) Enforce the public health statutes of the state, rules of the
2 state board of health and the secretary of health, and all local health
3 rules, regulations and ordinances within his or her jurisdiction
4 including imposition of penalties authorized under RCW 70.119A.030, the
5 confidentiality provisions in RCW 70.24.105 and rules adopted to
6 implement those provisions, and filing of actions authorized by RCW
7 43.70.190;

8 (2) Take such action as is necessary to maintain health and
9 sanitation supervision over the territory within his or her
10 jurisdiction;

11 (3) Control and prevent the spread of any dangerous, contagious or
12 infectious diseases that may occur within his or her jurisdiction;

13 (4) Inform the public as to the causes, nature, and prevention of
14 disease and disability and the preservation, promotion and improvement
15 of health within his or her jurisdiction;

16 (5) Make determinations of public health risk presented by
17 untreated surface water found to exceed standards for microbial
18 contamination established by the state board of health or the
19 department of ecology upon request of water purveyors, counties,
20 cities, towns, public utility districts, or permittees under chapter
21 90.48 RCW;

22 (6) Prevent, control or abate nuisances which are detrimental to
23 the public health;

24 ((+6)) (7) Attend all conferences called by the secretary of
25 health or his or her authorized representative;

26 ((+7)) (8) Collect such fees as are established by the state board
27 of health or the local board of health for the issuance or renewal of
28 licenses or permits or such other fees as may be authorized by law or
29 by the rules of the state board of health;

30 ((+8)) (9) Inspect, as necessary, expansion or modification of
31 existing public water systems, and the construction of new public water
32 systems, to assure that the expansion, modification, or construction
33 conforms to system design and plans;

34 ((+9)) (10) Take such measures as he or she deems necessary in
35 order to promote the public health, to participate in the establishment
36 of health educational or training activities, and to authorize the
37 attendance of employees of the local health department or individuals
38 engaged in community health programs related to or part of the programs
39 of the local health department.

1 **Sec. 7.** RCW 90.48.250 and 1987 c 109 s 141 are each amended to
2 read as follows:

3 (1) The department is authorized to make agreements and enter into
4 such contracts as are appropriate to carry out a program of monitoring
5 the condition of the waters of the state and the effluent discharged
6 therein, including contracts to monitor effluent discharged into public
7 waters when such monitoring is required by the terms of a waste
8 discharge permit or as part of the approval of a sewerage system, if
9 adequate compensation is provided to the department as a term of the
10 contract.

11 (2) In issuing or renewing waste discharge permits, the department
12 shall require permittees to screen their monitoring results for
13 exceedences of standards for microbial contamination established by the
14 state board of health or the department, and to consult with local
15 health districts or departments to determine whether such exceedences
16 present a public health risk. If such exceedences are determined to
17 present a public health risk, permittees shall identify the residences
18 within five hundred feet of either side of the stream extending
19 upstream and downstream to the next monitoring stations and within
20 twenty-four hours shall notify the residents by mail of the exceedence
21 of water quality standards. The mailing shall describe the standards
22 found to be exceeded, the degree of exceedence of water quality
23 standards, and the risk posed by ingesting or other contact with the
24 water. The mailing shall also include a disclaimer stating that only
25 a small percentage of all surface waters may be monitored and, in the
26 absence of water quality information, that residents should assume
27 untreated surface water is not safe to drink. This section applies
28 only to water samples taken in the months of April through September,
29 inclusive. Nothing in this section may be construed to impose new or
30 additional liability on permittees.

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