
SUBSTITUTE SENATE BILL 5910

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Energy & Utilities (originally sponsored by Senator Sutherland)

Read first time 03/03/93.

1 AN ACT Relating to public drinking water systems; adding a new
2 chapter to Title 70 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that a state-wide
5 assessment of water systems has shown that public drinking water
6 systems have a critical need for financial assistance to assure safe,
7 reliable, and viable water supplies, meet the requirements of the
8 federal safe drinking water act, provide for comprehensive planning and
9 regional planning of public water systems, assess the status of the
10 state's drinking water quality, develop least-cost solutions to public
11 water systems through consolidation of small systems into larger and
12 financially viable utilities, and implement demand management
13 strategies to more effectively use the state's financial resources and
14 water resources.

15 The federal government has indicated an intention to provide new
16 funding for water system needs on a national basis within a program of
17 federal investment in infrastructure intended to provide a significant
18 number of jobs nation-wide this year. The state of Washington does not

1 have the broad-based authority and ability to promptly receive and
2 disburse federal assistance to eligible water systems.

3 It is the intent of the legislature to provide for a system of
4 grants and loans, in addition to existing state financial assistance
5 programs, that will: (1) Receive and utilize federal funding to
6 provide assistance for planning, design, acquisition, construction,
7 consolidation, and improvement of public water systems facilities and
8 activities in the achievement of state and federal public water system
9 requirements; (2) meet the short-term and long-term needs identified
10 and prioritized in the state-wide assessment; and (3) encourage
11 responsible and efficient water system management throughout the state.

12 It is the further intent of the legislature to use existing state
13 funding programs for the administrative and financial mechanisms
14 necessary to ensure prompt and coordinated delivery of the financial
15 assistance to public water systems authorized under this chapter.

16 NEW SECTION. **Sec. 2.** Unless the context clearly requires
17 otherwise, the definitions in this section apply throughout this
18 chapter.

19 (1) "Board" means the public works board.

20 (2) "Department" means the department of health.

21 (3) "Private water purveyor" means a public water system not owned
22 by a governmental body.

23 (4) "Public water purveyor" means a governmental body, including a
24 public or quasi-public organization, that owns and operates a public
25 water system, or the authorized agent of such an entity.

26 (5) "Public water system" has the meaning prescribed in the
27 Washington state safe drinking water act, chapter 70.119A RCW.

28 NEW SECTION. **Sec. 3.** The drinking water assistance account is
29 established in the state treasury. Money may be placed in the account
30 from the proceeds of bonds when authorized by the legislature,
31 transfers from other state funds or accounts, federal financial
32 assistance, or any other lawful source. Moneys from the account may be
33 spent only by the secretary of health or the public works board after
34 appropriation. Expenditures from the account may be used only to meet
35 the purposes of this chapter.

1 NEW SECTION. **Sec. 4.** The department shall, in conjunction with
2 the board, purveyors, local health departments, and other interested
3 parties, establish a method to provide for grants and loans to public
4 water systems that is consistent with the findings and intent contained
5 in section 1 of this act. The department shall ensure that such
6 financial assistance:

7 (1) Utilizes, to the maximum extent, all available federal
8 financial assistance, consistent with any terms and conditions under
9 which such assistance is provided to the state and its public water
10 systems;

11 (2) Is consistent with existing water resource planning and
12 management, including coordinated water supply plans, regional water
13 resource plans, and comprehensive plans under the growth management
14 act, chapter 36.70A RCW;

15 (3) Provides a priority to least-cost solutions, including
16 consolidation and restructuring of small systems into more economical
17 units and the provision of regional facilities;

18 (4) Assures implementation of water conservation and other demand
19 management measures consistent with state guidelines for water
20 utilities;

21 (5) Provides assistance for the necessary planning and engineering
22 to assure that consistency, coordination, and proper professional
23 review are incorporated into projects or activities proposed for
24 funding;

25 (6) Provides for comprehensive testing and evaluation of the water
26 quality of the state's public water systems to assess on a state-wide
27 basis the quality of the state's drinking water, assure that priority
28 for financial assistance is provided to systems and areas with threats
29 to public health from contaminated supplies, fully utilize the state's
30 flexibility in implementing the federal safe drinking water act, and
31 reduce in appropriate cases the substantial increases in costs and
32 rates that customers of small systems would otherwise incur under the
33 monitoring and testing requirements of the federal safe drinking water
34 act; and

35 (7) Is coordinated, to the maximum extent possible, with other
36 state programs that provide financial assistance to public water
37 systems and state programs that address existing or potential water
38 quality or drinking water contamination problems.

1 NEW SECTION. **Sec. 5.** The board shall develop a financial
2 assistance program using appropriated funds from the drinking water
3 assistance account to meet the purposes and implement the programs
4 authorized in this chapter, and which the board reasonably determines
5 is necessary after consultation with the department and water
6 purveyors.

7 The board shall provide a process whereby grants and loans may be
8 made to public water systems with the most critical public health
9 needs. In addition to critical needs, the determination shall include
10 the capacity of the water system to effectively manage its resources,
11 the ability to promptly commence the project, the relative benefit to
12 the community served, with an emphasis on providing financial
13 assistance to those systems that are ready to proceed and systems that
14 will provide water system improvements to the greatest number of
15 people, and any other criteria that the board and department jointly
16 and reasonably determine in consultation with water system purveyors.

17 The department shall establish minimum standards for financial
18 viability and water planning to be considered for this program. The
19 department shall make the information available to the board in a
20 timely manner.

21 The board may provide financial assistance under the provisions of
22 this chapter to the extent permitted or required by federal or state
23 law, and to the extent that such assistance is permitted under the
24 department's rules or policies regarding financial viability and is
25 otherwise consistent with the rules and policies of the department and
26 the state board of health.

27 NEW SECTION. **Sec. 6.** The department and the board shall be
28 entitled to reasonable administrative expenses in developing and
29 implementing the programs authorized under this chapter.

30 In all cases where the department, board, and any other department,
31 agency, board, or commission of state government interact or provide
32 service under this chapter, the administering government body shall
33 endeavor to provide cost-effective services. The provision of services
34 shall include: (1) The use of policy statements or guidelines instead
35 of administrative rules; (2) using existing management mechanisms
36 rather than creating new administrative structures; (3) investigating
37 the use of service contracts, either with other governmental entities
38 or with nongovernmental service providers; (4) the use of joint or

1 combined financial assistance applications; and (5) any other method or
2 practice designed to streamline the delivery of services.

3 NEW SECTION. **Sec. 7.** The provisions of this act shall be
4 liberally construed for the purposes set forth in this act and to meet
5 federal standards or required practices that accompany federal funds.

6 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and shall take
9 effect immediately.

10 NEW SECTION. **Sec. 9.** Sections 1 through 6 of this act shall
11 constitute a new chapter in Title 70 RCW.

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