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SENATE BILL 5910

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State of Washington

53rd Legislature

1993 Regular Session

By Senator Sutherland

Read first time 02/24/93. Referred to Committee on Energy & Utilities.

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

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

24        In all cases where the department, board, and any other department,  
25 agency, board, or commission of state government interact or provide  
26 service under this chapter, the administering government body shall  
27 endeavor to provide cost-effective services. The provision of services  
28 shall include: (1) The use of policy statements or guidelines instead  
29 of administrative rules; (2) using existing management mechanisms  
30 rather than creating new administrative structures; (3) investigating  
31 the use of service contracts, either with other governmental entities  
32 or with nongovernmental service providers; (4) the use of joint or  
33 combined financial assistance applications; and (5) any other method or  
34 practice designed to streamline the delivery of services.

35        NEW SECTION.    **Sec. 7.**    The sum of ..... dollars, or as much  
36 thereof as may be necessary, is appropriated for the biennium ending  
37 June 30, 1995, from the drinking water assistance account created in

1 section 3 of this act to the department of health for the purpose of  
2 implementing planning under section 4 of this act. Not more than  
3 . . . . dollars of this amount shall be expended for program  
4 administration.

5 NEW SECTION. **Sec. 8.** The sum of ..... dollars, or as much  
6 thereof as may be necessary, is appropriated for the biennium ending  
7 June 30, 1995, from the drinking water assistance account created in  
8 section 3 of this act to the department of health for the purpose of  
9 implementing restructuring under section 4 of this act. Not more than  
10 . . . . dollars of this amount shall be expended for program  
11 administration.

12 NEW SECTION. **Sec. 9.** The sum of ..... dollars, or as much  
13 thereof as may be necessary, is appropriated for the biennium ending  
14 June 30, 1995, from the drinking water assistance account created in  
15 section 3 of this act to the department of health for the purpose of  
16 implementing testing under section 4 of this act.

17 NEW SECTION. **Sec. 10.** The sum of ..... dollars, or as much  
18 thereof as may be necessary, is appropriated for the biennium ending  
19 June 30, 1995, from the drinking water assistance account created in  
20 section 3 of this act to the public works board for the purpose of  
21 implementing the loan and grant program under section 5 of this act.  
22 Not more than five percent of this amount shall be expended for program  
23 management.

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

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