

2 **SHB 1709** - S COMM AMD

3 By Committee on Agriculture & Water Resources

4 Adopted 4/18/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) The responsibility for ensuring that the citizens of this state
9 have a safe and reliable drinking water supply is shared between local
10 government and state government, and is the obligation of every public
11 water system;

12 (2) A rapid increase in the number of public water systems
13 supplying drinking water to the citizens of this state has
14 significantly increased the burden on both local and state government
15 to monitor and enforce compliance by these systems with state laws that
16 govern planning, design, construction, operation, maintenance,
17 financing, management, and emergency response;

18 (3) The federal safe drinking water act imposes on state and local
19 governments and the public water systems of this state significant new
20 responsibilities for monitoring, testing, and treating drinking water
21 supplies; and

22 (4) Existing drinking water programs at both the state and local
23 government level need additional authorities to enable them to more
24 comprehensively and systematically address the needs of the public
25 water systems of this state and assure that the public health and
26 safety of its citizens are protected.

27 Therefore, annual operating permit requirements shall be
28 established in accordance with this chapter. The operating permit

1 requirements shall be administered by the department and shall be used
2 as a means to assure that public water systems provide safe and
3 reliable drinking water to the public. The department and local
4 government shall conduct comprehensive and systematic evaluations to
5 assess the adequacy and financial viability of public water systems.
6 The department may impose permit conditions, requirements for system
7 improvements, and compliance schedules in order to carry out the
8 purpose of this act."

9 "Sec. 2. RCW 70.119A.020 and 1991 c 3 s 370 are each amended to
10 read as follows:

11 Unless the context clearly requires otherwise, the following
12 definitions apply throughout this chapter:

13 (1) "Department" means the department of health.

14 (2) "Local board of health" means the city, town, county, or
15 district board of health.

16 (3) "Local health jurisdiction" means an entity created under
17 chapter 70.05, 70.08, or 70.46 RCW which provides public health
18 services to persons within the area.

19 (4) "Public water system" means any system, excluding a system
20 serving only one single-family residence(~~(, which provides piped water~~
21 ~~for human consumption))~~ and a system with four or fewer connections all
22 of which serve residences on the same farm, providing piped water for
23 human consumption, including any collection, treatment, storage, or
24 distribution facilities under control of the purveyor and used
25 primarily in connection with the system; and collection or pretreatment
26 storage facilities not under control of the purveyor but primarily used
27 in connection with the system, including:

1 (a) Any collection, treatment, storage, and distribution facilities
2 under control of the purveyor and used primarily in connection with
3 such system; and

4 (b) Any collection or pretreatment storage facilities not under
5 control of the purveyor which are primarily used in connection with
6 such system.

7 (5) "Order" means a written direction to comply with a provision of
8 the regulations adopted under RCW 43.20.050(2)(a) or 70.119.050 or to
9 take an action or a series of actions to comply with the regulations.

10 (6) "Purveyor" means any agency or subdivision of the state or any
11 municipal corporation, firm, company, mutual, or cooperative
12 association, institution, partnership, or person or any other entity,
13 that owns or operates a public water system. It also means the
14 authorized agents of any such entities.

15 (7) "Regulations" means rules adopted to carry out the purposes of
16 this chapter.

17 (8) "Federal safe drinking water act" means the federal safe
18 drinking water act, 42 U.S.C. Sec. 300f et seq., as now in effect or
19 hereafter amended.

20 (9) "Local health officer" means the legally qualified physician
21 who has been appointed as the health officer for the city, town,
22 county, or district public health department.

23 (10) "Person" includes, but is not limited to, natural persons,
24 municipal corporations, governmental agencies, firms, companies, mutual
25 or cooperative associations, institutions, and partnerships. It also
26 means the authorized agents of any such entities.

27 (11) "Public health emergency" means a declaration by an authorized
28 health official of a situation in which either illness, or exposure
29 known to cause illness, is occurring or is imminent.

30 (12) "Secretary" means the secretary of the department of health.

1 (13) "State board of health" is the board created by RCW
2 43.20.030."

3 "Sec. 3. RCW 70.119A.030 and 1989 c 422 s 6 are each amended to
4 read as follows:

5 (1) The secretary or his or her designee or the local health
6 officer may declare a public health emergency. As limited by RCW
7 70.119A.040, the department may impose penalties for violations of laws
8 or regulations that are determined to be a public health emergency.

9 (2) As limited by RCW 70.119A.040, the department may impose
10 penalties for failure to comply with an order of the department, or of
11 an authorized local board of health, when the order:

12 (a) Directs any person to stop work on the construction or
13 alteration of a public water system when plans and specifications for
14 the construction or alteration have not been approved as required by
15 the regulations, or when the work is not being done in conformity with
16 approved plans and specifications;

17 (b) Requires any person to eliminate a cross-connection to a public
18 water system by a specified time; or

19 (c) Requires any person to cease violating any regulation relating
20 to public water systems, ~~((or))~~ to take specific actions within a
21 specified time to place a public water system in compliance with
22 regulations adopted under chapters 43.20 and 70.119 RCW, to apply for
23 an operating permit as required under section 5 of this act or to
24 comply with any conditions or requirements imposed as part of an
25 operating permit."

26 "Sec. 4. RCW 70.119A.060 and 1990 c 132 s 4 are each amended to
27 read as follows:

1 (1) In order to assure safe and reliable public drinking water and
2 to protect the public health, public water systems shall:

3 (a) Protect the water sources used for drinking water;

4 (b) Provide treatment adequate to assure that the public health is
5 protected;

6 (c) Provide and effectively operate and maintain public water
7 system facilities;

8 (d) Plan for future growth and assure the availability of safe and
9 reliable drinking water;

10 (e) Provide the department with the current names, addresses, and
11 telephone numbers of the owners, operators, and emergency contact
12 persons for the system, including any changes to this information, and
13 provide to users the name and twenty-four hour telephone number of an
14 emergency contact person; and

15 (f) Take whatever investigative or corrective action is necessary
16 to assure that a safe and reliable drinking water supply is
17 continuously available to users.

18 (2) The department and local health jurisdictions shall carry out
19 the rules and regulations of the state board of health adopted pursuant
20 to RCW 43.20.050(2)(a) and other rules adopted by the department
21 relating to public water systems."

22 "NEW SECTION. Sec. 5. (1) No person may operate a group A
23 public water system unless the person first submits an application to
24 the department and receives an operating permit as provided in this
25 section. A new application must be submitted upon any change in
26 ownership of the system. Any person operating a public water system on
27 the effective date of this section may continue to operate the system
28 until the department takes final action, including any time necessary
29 for a hearing under subsection (3) of this section, on a permit

1 application submitted by the person operating the system under the
2 rules adopted by the department to implement this section.

3 (2) The department may require that each application include the
4 information that is reasonable and necessary to determine that the
5 system complies with applicable standards and requirements of the
6 federal safe drinking water act, state law, and rules adopted by the
7 department or by the state board of health.

8 (3) Following its review of the application, its supporting
9 material, and any information received by the department in its
10 investigation of the application, the department shall issue or deny
11 the operating permit. The department shall act on initial permit
12 applications as expeditiously as possible, and shall in all cases
13 either grant or deny the application within one hundred twenty days of
14 receipt of the application or of any supplemental information required
15 to complete the application. The applicant for a permit shall be
16 entitled to file an appeal in accordance with chapter 34.05 RCW if the
17 department denies the initial or subsequent applications or imposes
18 conditions or requirements upon the operator. Any operator of a public
19 water system that requests a hearing may continue to operate the system
20 until a decision is issued after the hearing.

21 (4) At the time of initial permit application or at the time of
22 permit renewal the department may impose such permit conditions,
23 requirements for system improvements, and compliance schedules as it
24 determines are reasonable and necessary to ensure that the system will
25 provide a safe and reliable water supply to its users.

26 (5) Operating permits shall be issued for a term of one year, and
27 shall be renewed annually, unless the operator fails to apply for a new
28 permit or the department finds good cause to deny the application for
29 renewal.

1 (6) Each application shall be accompanied by an annual fee as
2 follows:

3 (a) The annual fee for public water supply systems serving fifteen
4 to forty-nine service connections shall be twenty-five dollars.

5 (b) The annual fee for public water supply systems serving fifty to
6 three thousand three hundred thirty-three service connections shall be
7 based on a uniform per service connection fee of one dollar and fifty
8 cents per service connection.

9 (c) The annual fee for public water supply systems serving three
10 thousand three hundred thirty-four to fifty-three thousand three
11 hundred thirty-three service connections shall be based on a uniform
12 per service connection fee of one dollar and fifty cents per service
13 connection plus ten cents for each service connection in excess of
14 three thousand three hundred thirty-three service connections.

15 (d) The annual fee for public water supply systems serving fifty-
16 three thousand three hundred thirty-four or more service connections
17 shall be ten thousand dollars.

18 (e) In addition to the fees under (a) through (d) of this
19 subsection, the department may charge an additional one-time fee of
20 five dollars for each service connection in a new water system.

21 (7) The department may phase-in the implementation for any group of
22 systems provided the schedule for implementation is established by
23 rule. Prior to implementing the operating permit requirement on water
24 systems having less than five hundred service connections, the
25 department shall form a committee composed of persons operating these
26 systems. The committee shall be composed of the department of health,
27 two operators of water systems having under one hundred connections,
28 two operators of water systems having between one hundred and two
29 hundred service connections, two operators of water systems having
30 between two hundred and three hundred service connections, two

1 operators of water systems having between three hundred and four
2 hundred service connections, two operators of water systems having
3 between four hundred and five hundred service connections, and two
4 county public health officials. The members shall be chosen from
5 different geographic regions of the state. This committee shall
6 develop draft rules to implement this section. The draft rules will
7 then be subject to the rule-making procedures in accordance with
8 chapter 34.05 RCW.

9 (8) The department shall notify existing public water systems of
10 the requirements of RCW 70.119A.030, 70.119A.060, and this section at
11 least one hundred twenty days prior to the date that an application for
12 a permit is required pursuant to RCW 70.119A.030, 70.119A.060, and this
13 section.

14 (9) The department shall issue one operating permit to any approved
15 satellite system management agency. Operating permit fees for approved
16 satellite system management agencies shall be one dollar per connection
17 per year for the total number of connections under the management of
18 the approved satellite agency. The department shall define by rule the
19 meaning of the term "satellite system management agency." If a
20 statutory definition of this term exists, then the department shall
21 adopt by rule a definition consistent with the statutory definition.

22 (10) For purposes of this section, "group A public water system"
23 and "system" mean those water systems with fifteen or more service
24 connections, regardless of the number of people; or a system serving
25 an average of twenty-five or more people per day for sixty or more days
26 within a calendar year, regardless of the number of service
27 connections."

28 "NEW SECTION. Sec. 6. The safe drinking water account is
29 created in the general fund of the state treasury. All receipts from

1 the operating permit fees required to be paid under section 5 of this
2 act shall be deposited into the account. Moneys in the account may be
3 spent only after appropriation. Expenditures from the account may be
4 used by the department of health to carry out the purposes of this act
5 and to carry out contracts with local governments in accordance with
6 this chapter."

7 "NEW SECTION. Sec. 7. Until July 1, 1996, local governments
8 shall be prohibited from administering a separate operating permit
9 requirement for public water systems. After July 1, 1996, local
10 governments may establish separate operating permit requirements for
11 public water systems provided the operating permit requirements have
12 been approved by the department. The department shall not approve
13 local operating permit requirements unless the local system will result
14 in an increased level of service to the public water system. There
15 shall not be duplicate operating permit requirements imposed by local
16 governments and the department."

17 "NEW SECTION. Sec. 8. The department shall adopt rules
18 necessary to implement sections 5 through 7 of this act. The
19 requirements of this act shall take effect upon adoption of rules
20 pursuant to this act."

21 "NEW SECTION. Sec. 9. Sections 5 through 7 of this act are
22 each added to chapter 70.119A RCW."

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3 Adopted 4/18/91 - Voice Vote

4 On page 1, line 1 of the title, after "permits;" strike the
5 remainder of the title and insert "amending RCW 70.119A.020,
6 70.119A.030, and 70.119A.060; adding new sections to chapter 70.119A
7 RCW; and creating new sections."