

HOUSE BILL REPORT

SHB 1709

As Amended by the Senate

Title: An act relating to public water system operating permits.

Brief Description: Concerning safe drinking water.

Sponsor(s): By House Committee on Environmental Affairs (originally sponsored by Representatives Fraser, Miller, Rust, Valle, Roland, Winsley, Rasmussen, Ebersole, Wineberry and Dorn; by request of Department of Health).

Brief History:

Reported by House Committee on:
Environmental Affairs, February 28, 1991, DPS;
Revenue, March 9, 1991, DPS(ENA);
Passed House, March 20, 1991, 76-22;
Amended by Senate.

**HOUSE COMMITTEE ON
ENVIRONMENTAL AFFAIRS**

Majority Report: *That Substitute House Bill No. 1709 be substituted therefor, and the substitute bill do pass.* Signed by 13 members: Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; Neher; Phillips; Pruitt; D. Sommers; Sprenkle; and Van Luven.

Staff: Harry Reinert (786-7110).

**HOUSE COMMITTEE ON
REVENUE**

Majority Report: *That substitute bill by Committee on Environmental Affairs be substituted therefor, and the substitute bill do pass.* Signed by 14 members: Representatives Wang, Chair; Fraser, Vice Chair; Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Appelwick; Belcher; Brumsickle; Day; Leonard; Morris; Morton; Phillips; Rust; and Silver.

Staff: Harry Reinert (786-7110).

Background: Washington state has over 12,500 public water systems. A public water system is any water system serving two or more households. Over 11,500 of these systems have fewer than 100 connections. Current law requires public water systems to provide information to the Department of Health, including the name, address, and telephone number of the operator. No permit is required under state law to operate a public water system.

Summary of Bill: The operator of a public water system with 15 or more connections or serving 25 or more people must obtain a permit from the Department of Health. The application for a permit must include sufficient information so that the department may determine if the system complies with federal and state law and department rules. The department must approve or deny the application within 120 days after it is filed. The permit may be issued with conditions and compliance schedules.

The public water system permit is valid for one year. Fees for the permits are to be determined by rule adopted by the department. The fees are to be used for implementation costs of the permit program. The minimum fee is \$135 and the maximum fee is \$5,000. The fee schedule is based on the number of connections.

An entity that operates or manages more than one public water system is required to have one operating permit for the systems it operates or manages. The department may lower the annual permit fee for a public water system that is attempting to contract with an entity to manage the system.

All fees received from operating permit applications are deposited in the safe drinking water account which is created in the treasury. The account shall be used to operate the permit program and to contract with local governments for drinking water programs.

A local government may not require a public water system operating permit of any system required to have a state permit. Local governments may require permits of water systems which are not required to obtain state permits.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment changes the definition of public water systems to exclude systems with four or fewer residences on a farm. The operation of a public water system appealing the denial of a permit may continue to operate the system until a decision is issued. The Senate amendment establishes a fee schedule. The substitute House bill directed the Department of Health to establish a fee schedule by rule. The Senate amendment

provides a minimum fee of \$25 a year for systrms with between 15 and 49 connections to a maximum of \$10,000 a year for systems with over 53,333 connections. A one time fee of \$5 per connection may be imposed on new water systems. The department must appoint an advisory committee prior to adopting the permit requiremnts for systems with fewer than 500 connections. The Senate amendment deletes a provision allowing a lower fee for a system seeking a management agency to operate the system. The amendment allows a local government to establish additional requirements for water systems after July 1, 1996.

Fiscal Note: Available. Requested on March 4, 1991 on substitute bill.

Effective Date: The bill takes effect on July 1, 1991.

Testimony For: (Environmental Affairs): New federal drinking water statutes and rules will require more professional management for many public water systems. The bill will allow for better review of the operations of public water systems subject to the new requirements and give the state and local health departments financial resources to inspect these systems and to provide technical assistance to the small systems most in need of that assistance.

(Revenue): Same as Committee on Environmental Affairs.

Testimony Against: (Environmental Affairs): The permit fees are too high. A water system needs to have time to upgrade to the new standards.

(Revenue): None.

Witnesses: (Environmental Affairs): Richard Junk, Woodland Park Utility Association (con); Prime Sponsor Representative Karen Fraser; Pat Wiles, Investor-Owned Water Utility Association - Harbor Water (pro); Eric Slagle, Department of Health (pro); Bill Liechty, Department of Health (pro); Don Leaf, Thurston County Health Department (pro); John Kirner, State Drinking Water Advisory Committee (pro); and Paul Parker, Washington State Association of Counties (pro).

(Revenue): Eric Slagle, Health Department (pro); and Lou Dooley, Tacoma-Pierce County Health Environmental Health Directors, Washington State Environmental Health Association (pro).

VOTE ON FINAL PASSAGE:

Yeas 76; Nays 22

Nays: Representatives Ballard, Basich, Beck, Bray, Brough, Chandler, Fuhrman, Hargrove, Hochstatter, Inslee, Jones, Kremen, Lisk, Morton, Moyer, Padden, Prince, Rayburn, Sheldon, Van Luven, Winsley, Zellinsky