
HOUSE BILL 1709

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Fraser, Miller, Rust, Valle, Roland, Winsley, Rasmussen, Ebersole, Wineberry and Dorn; by request of Department of Health.

Read first time February 6, 1991. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to public water system operating permits; amending
2 RCW 70.119A.030 and 70.119A.060; adding new sections to chapter 70.119A
3 RCW; creating a new section; providing an effective date; and declaring
4 an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

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

11 (2) A rapid increase in the number of public water systems
12 supplying drinking water to the citizens of this state has
13 significantly increased the burden on both local and state government
14 to monitor and enforce compliance by these systems with state laws that

1 govern planning, design, construction, operation, maintenance,
2 financing, management, and emergency response;

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

7 (4) Existing drinking water programs at both the state and local
8 government level need additional authorities to enable them to more
9 comprehensively and systematically address the needs of the public
10 water systems of this state and assure that the public health and
11 safety of its citizens are protected.

12 Therefore, annual operating permit requirements for all public
13 water systems shall be established. The operating permit requirements
14 shall be administered by the department and shall be used as a means to
15 assure that public water systems provide safe and reliable drinking
16 water to the public. The department and local government shall conduct
17 comprehensive and systematic evaluations to assess the adequacy and
18 financial viability of public water systems. The department may impose
19 permit conditions, requirements for system improvements, and compliance
20 schedules in order to carry out the purpose of this act.

21 **Sec. 2.** RCW 70.119A.030 and 1989 c 422 s 6 are each amended to
22 read as follows:

23 (1) The secretary or his or her designee or the local health
24 officer may declare a public health emergency. As limited by RCW
25 70.119A.040, the department may impose penalties for violations of laws
26 or regulations that are determined to be a public health emergency.

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

1 (a) Directs any person to stop work on the construction or
2 alteration of a public water system when plans and specifications for
3 the construction or alteration have not been approved as required by
4 the regulations, or when the work is not being done in conformity with
5 approved plans and specifications;

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

8 (c) Requires any person to cease violating any regulation relating
9 to public water systems, ~~((or))~~ to take specific actions within a
10 specified time to place a public water system in compliance with
11 regulations adopted under chapters 43.20 and 70.119 RCW, to apply for
12 an operating permit as required under section 4 of this act or to
13 comply with any conditions or requirements imposed as part of an
14 operating permit.

15 **Sec. 3.** RCW 70.119A.060 and 1990 c 132 s 4 are each amended to
16 read as follows:

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

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

20 (b) Provide treatment adequate to assure that the public health is
21 protected;

22 (c) Provide and effectively operate and maintain public water
23 system facilities;

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

26 (e) Obtain an operating permit for the system from the department,
27 provide the department with the current names, addresses, and telephone
28 numbers of the owners, operators, and emergency contact persons for the
29 system, including any changes to this information, and provide to users

1 the name and twenty-four hour telephone number of an emergency contact
2 person; and

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

6 (2) The department and local health jurisdictions shall carry out
7 the rules and regulations of the state board of health adopted pursuant
8 to RCW 43.20.050(2)(a) and other rules adopted by the department
9 relating to public water systems.

10 NEW SECTION. **Sec. 4.** (1) No person may operate a public water
11 system unless the person first submits an application to the department
12 and receives an operating permit as provided in this section. A new
13 application must be submitted upon any change in ownership of the
14 system.

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

20 (3) Following its review of the application, its supporting
21 material, and any information received by the department in its
22 investigation of the application, the department shall issue or deny
23 the operating permit. The department shall act on initial permit
24 applications as expeditiously as possible, and shall in all cases
25 either grant or deny the application within one hundred twenty days of
26 receipt of the application or of any supplemental information required
27 to complete the application. The applicant for a permit shall be
28 entitled to a public hearing if the department denies the initial or

1 subsequent applications or imposes conditions or requirements upon the
2 operator.

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

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

12 (6) Each application shall be accompanied by an annual permit fee
13 at a level set by the department by rule. The department may establish
14 different fee levels for initial permit applications and for renewals,
15 and shall be adequate to pay for department implementation costs. The
16 fees shall correspond to the number of connections and customers of the
17 system, and shall be no more than one thousand dollars and no less than
18 one hundred dollars.

19 (7) The department may phase-in the implementation for any group of
20 systems provided the schedule for implementation is established by
21 rule.

22 NEW SECTION. **Sec. 5.** The safe drinking water account is created
23 in the state treasury. All receipts from the operating permit fees
24 required to be paid under section 4 of this act shall be deposited into
25 the account. Moneys in the account may be spent only after
26 appropriation. Expenditures from the account may be used by the
27 department of health to carry out the purposes of this act and to carry
28 out contracts with local governments in accordance with chapter 70.119A
29 RCW.

1 NEW SECTION. **Sec. 6.** Until July 1, 1996, local governments shall
2 be prohibited from administering a separate operating permit
3 requirement for public water systems. After July 1, 1996, local
4 governments may establish separate operating permit requirements for
5 public water systems provided the operating permit requirements have
6 been approved by the department. The department shall not approve
7 local operating permit requirements unless the local system will result
8 in an increased level of service to the public water system.

9 NEW SECTION. **Sec. 7.** (1) Sections 1 through 5 of this act shall
10 take effect when the department has adopted rules pursuant to section
11 9 of this act.

12 (2) Section 6 of this act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and shall take
15 effect July 1, 1991.

16 NEW SECTION. **Sec. 8.** Sections 4 through 6 of this act are each
17 added to chapter 70.119A RCW.

18 NEW SECTION. **Sec. 9.** The department shall adopt the rules
19 necessary to implement sections 4 through 6 of this act.