
HOUSE BILL 1970

State of Washington 52nd Legislature 1991 Regular Session

By Representative Haugen.

Read first time February 18, 1991. Referred to Committee on Local Government.

1 AN ACT Relating to water resources utilities; and adding new
2 sections to chapter 36.32 RCW.

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

4 NEW SECTION. **Sec. 1.** The purpose of section 1 through 3 of
5 this act is to clarify the authority of a county to establish a
6 coordinated system of protecting, preserving, rehabilitating, and
7 managing water resources located within all or part of the county in a
8 single program by establishing a water resources utility or utilities.

9 NEW SECTION. **Sec. 2.** The county legislative authority of any
10 county may establish a water resources utility or utilities to
11 coordinate the protection, preservation, rehabilitation, and management
12 of water resources, including the quantity and quality of subterranean
13 water and bodies of water, and the control and treatment of surface

1 waters. A water resources utility may be established on a county-wide
2 basis or less than county-wide basis.

3 A water resources utility may be established by a county
4 legislative authority if, after holding at least one public hearing
5 within the area proposed to be included in a water resources utility
6 and receiving comments from the public on the proposal, the county
7 legislative authority adopts an ordinance finding that it is in the
8 public interest to create a water resources utility and creating the
9 water resources utility. In addition, the county must comply with
10 other requirements included in the specific legislation that it chooses
11 to incorporate under a water resources utility.

12 NEW SECTION. **Sec. 3.** (1) All or part of the following
13 elements or considerations may be incorporated into a water resources
14 utility:

15 (a) Inventorying, researching, and measuring the quantity and
16 quality of subterranean waters and bodies of water;

17 (b) Preparing a master plan that establishes a coordinated program
18 to protect, preserve, rehabilitate, and manage ground water and bodies
19 of water, and to control and treat surface water, including but not
20 limited to, point and nonpoint water pollution abatement programs and
21 activities;

22 (c) Protecting, preserving, rehabilitating, and managing ground
23 water and bodies of water;

24 (d) Establishing a coordinated regulatory program under these
25 authorities, and a coordinated system of rates, charges, and
26 assessments, as authorized under any specific legislation that is
27 incorporated into a water resources utility;

28 (e) Providing educational programs related to the protection,
29 preservation, rehabilitation, and managing of ground water and bodies

1 of water, including, but not limited to, programs and activities
2 related to household hazardous and dangerous wastes and wellhead
3 protection;

4 (f) Providing technical and financial assistance for water systems;

5 (g) Cooperating with other units of local government, the
6 department of health, the department of ecology, and state agencies in
7 engaging in such programs and projects, including, but not limited to,
8 the protection from water pollution as provided under chapter 35.88
9 RCW;

10 (h) Providing assistance to conservation districts to perform
11 activities related to water quality and quantity.

12 (2) The authorities of a county that may be coordinated under a
13 water resources utility include, but are not limited to, the following
14 authorities granted to counties and boards of health: (a) Protecting
15 the public health and safety, including, but not limited to, the
16 authority granted in Article XI, Section 11, of the state Constitution,
17 RCW 36.32.120 and 70.05.050, and all public health powers delegated to
18 counties and boards of health by the state or federal governments; (b)
19 regulating potable water systems and protecting potable water systems
20 from point or nonpoint pollution, including, but not limited to, the
21 powers provided under chapters 70.119A and 43.20 RCW; (c) regulating
22 on-site sewage disposal systems, as provided in chapter 70.118 RCW; (d)
23 declaring and abating public nuisances causing or threatening
24 subterranean waters or bodies of water, including those public
25 nuisances enumerated under RCW 7.48.140 and 35.88.030; (e) implementing
26 plans to protect the water quality of Puget Sound and other bodies of
27 water, including plans adopted under chapter 90.70 RCW; (f)
28 establishing aquifer protection areas, as provided in chapter 36.36
29 RCW; (g) establishing lake management districts, as provided in chapter
30 36.61 RCW; (h) establishing shellfish protection districts, as provided

1 in chapter 90.72 RCW; (i) engaging in flood control and drainage
2 control activities, as authorized in chapters 86.12 and 86.13 RCW; (j)
3 providing systems of sewerage, sewerage utilities, systems of water,
4 and water utilities, as authorized in chapter 36.94 RCW; (k)
5 establishing a storm water utility and providing storm water control
6 facilities, as provided in chapter 36.89 RCW; (l) identifying and
7 monitoring ground water systems and engaging in ground water management
8 programs, as provided in chapter 90.44 RCW; (m) establishing critical
9 water supply service areas, as provided in chapter 70.116 RCW; (n)
10 engaging in water pollution control activities relating to both point
11 and nonpoint water pollution; (o) enforcing laws relating to water and
12 water quality, including, but not limited to RCW 70.54.010 through
13 70.54.030; (p) regulating watercourses, as provided in RCW 36.32.280
14 through 36.32.300; and (q) exercising powers under the water quality
15 joint development act, chapter 70.150 RCW.

16 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are
17 each added to chapter 36.32 RCW.