

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1709

Chapter 304, Laws of 1991

52nd Legislature
1991 Regular Session

PUBLIC WATER SYSTEMS--ANNUAL OPERATING PERMITS

EFFECTIVE DATE: 7/28/91

Passed by the House March 20, 1991
Yea 76 Nays 22

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate April 18, 1991
Yea 40 Nays 2

JOEL PRITCHARD
President of the Senate

Approved May 20, 1991

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1709** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 20, 1991 - 2:15 p.m.

BOOTH GARDNER
Governor of the State of Washington

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1709

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

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).

Read first time March 5, 1991.

1 AN ACT Relating to public water system operating permits; amending
2 RCW 70.119A.020, 70.119A.030, and 70.119A.060; adding new sections to
3 chapter 70.119A RCW; and creating a new section.

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

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

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

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

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

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

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

20 **Sec. 2.** RCW 70.119A.020 and 1991 c 3 s 370 are each amended to
21 read as follows:

22 Unless the context clearly requires otherwise, the following
23 definitions apply throughout this chapter:

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

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

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

1 (4) "Public water system" means any system, excluding a system
2 serving only one single-family residence((, which provides piped water
3 for human consumption)) and a system with four or fewer connections all
4 of which serve residences on the same farm, providing piped water for
5 human consumption, including any collection, treatment, storage, or
6 distribution facilities under control of the purveyor and used
7 primarily in connection with the system; and collection or pretreatment
8 storage facilities not under control of the purveyor but primarily used
9 in connection with the system, including:

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

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

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

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

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

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

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

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

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

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

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

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

15 (1) The secretary or his or her designee or the local health
16 officer may declare a public health emergency. As limited by RCW
17 70.119A.040, the department may impose penalties for violations of laws
18 or regulations that are determined to be a public health emergency.

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

22 (a) Directs any person to stop work on the construction or
23 alteration of a public water system when plans and specifications for
24 the construction or alteration have not been approved as required by
25 the regulations, or when the work is not being done in conformity with
26 approved plans and specifications;

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

1 (c) Requires any person to cease violating any regulation relating
2 to public water systems, ((or)) to take specific actions within a
3 specified time to place a public water system in compliance with
4 regulations adopted under chapters 43.20 and 70.119 RCW, to apply for
5 an operating permit as required under section 5 of this act or to
6 comply with any conditions or requirements imposed as part of an
7 operating permit.

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

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

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

13 (b) Provide treatment adequate to assure that the public health is
14 protected;

15 (c) Provide and effectively operate and maintain public water
16 system facilities;

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

19 (e) Provide the department with the current names, addresses, and
20 telephone numbers of the owners, operators, and emergency contact
21 persons for the system, including any changes to this information, and
22 provide to users the name and twenty-four hour telephone number of an
23 emergency contact person; and

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

27 (2) The department and local health jurisdictions shall carry out
28 the rules and regulations of the state board of health adopted pursuant

1 to RCW 43.20.050(2)(a) and other rules adopted by the department
2 relating to public water systems.

3 **NEW SECTION.** **Sec. 5.** (1) No person may operate a group A public
4 water system unless the person first submits an application to the
5 department and receives an operating permit as provided in this
6 section. A new application must be submitted upon any change in
7 ownership of the system. Any person operating a public water system on
8 the effective date of this section may continue to operate the system
9 until the department takes final action, including any time necessary
10 for a hearing under subsection (3) of this section, on a permit
11 application submitted by the person operating the system under the
12 rules adopted by the department to implement this section.

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

18 (3) Following its review of the application, its supporting
19 material, and any information received by the department in its
20 investigation of the application, the department shall issue or deny
21 the operating permit. The department shall act on initial permit
22 applications as expeditiously as possible, and shall in all cases
23 either grant or deny the application within one hundred twenty days of
24 receipt of the application or of any supplemental information required
25 to complete the application. The applicant for a permit shall be
26 entitled to file an appeal in accordance with chapter 34.05 RCW if the
27 department denies the initial or subsequent applications or imposes
28 conditions or requirements upon the operator. Any operator of a public

1 water system that requests a hearing may continue to operate the system
2 until a decision is issued after the hearing.

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 fee as
13 follows:

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

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

20 (c) The annual fee for public water supply systems serving three
21 thousand three hundred thirty-four to fifty-three thousand three
22 hundred thirty-three service connections shall be based on a uniform
23 per service connection fee of one dollar and fifty cents per service
24 connection plus ten cents for each service connection in excess of
25 three thousand three hundred thirty-three service connections.

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

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

4 (7) The department may phase-in the implementation for any group of
5 systems provided the schedule for implementation is established by
6 rule. Prior to implementing the operating permit requirement on water
7 systems having less than five hundred service connections, the
8 department shall form a committee composed of persons operating these
9 systems. The committee shall be composed of the department of health,
10 two operators of water systems having under one hundred connections,
11 two operators of water systems having between one hundred and two
12 hundred service connections, two operators of water systems having
13 between two hundred and three hundred service connections, two
14 operators of water systems having between three hundred and four
15 hundred service connections, two operators of water systems having
16 between four hundred and five hundred service connections, and two
17 county public health officials. The members shall be chosen from
18 different geographic regions of the state. This committee shall
19 develop draft rules to implement this section. The draft rules will
20 then be subject to the rule-making procedures in accordance with
21 chapter 34.05 RCW.

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

27 (9) The department shall issue one operating permit to any approved
28 satellite system management agency. Operating permit fees for approved
29 satellite system management agencies shall be one dollar per connection
30 per year for the total number of connections under the management of

1 the approved satellite agency. The department shall define by rule the
2 meaning of the term "satellite system management agency." If a
3 statutory definition of this term exists, then the department shall
4 adopt by rule a definition consistent with the statutory definition.

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

11 NEW SECTION. **Sec. 6.** The safe drinking water account is created
12 in the general fund of the state treasury. All receipts from the
13 operating permit fees required to be paid under section 5 of this act
14 shall be deposited into the account. Moneys in the account may be
15 spent only after appropriation. Expenditures from the account may be
16 used by the department of health to carry out the purposes of this act
17 and to carry out contracts with local governments in accordance with
18 this chapter.

19 NEW SECTION. **Sec. 7.** Until July 1, 1996, local governments shall
20 be prohibited from administering a separate operating permit
21 requirement for public water systems. After July 1, 1996, local
22 governments may establish separate operating permit requirements for
23 public water systems provided the operating permit requirements have
24 been approved by the department. The department shall not approve
25 local operating permit requirements unless the local system will result
26 in an increased level of service to the public water system. There
27 shall not be duplicate operating permit requirements imposed by local
28 governments and the department.

1 NEW SECTION. **Sec. 8.** The department shall adopt rules necessary
2 to implement sections 5 through 7 of this act. The requirements of
3 this act shall take effect upon adoption of rules pursuant to this act.

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

Passed the House March 20, 1991.

Passed the Senate April 18, 1991.

Approved by the Governor May 20, 1991.

Filed in Office of Secretary of State May 20, 1991.