
SUBSTITUTE HOUSE BILL 1980

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Natural Resources & Parks (originally sponsored by Representatives R. Johnson and Pruitt)

Read first time 03/03/93.

1 AN ACT Relating to public water supplies; and amending RCW
2 90.44.050, 19.27.097, and 43.20.050.

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

4 **Sec. 1.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to
5 read as follows:

6 (1) After June 6, 1945, no withdrawal of public ground waters of
7 the state shall be begun, nor shall any well or other works for such
8 withdrawal be constructed, unless an application to appropriate such
9 waters has been made to the department and a permit has been granted by
10 it as herein provided(~~(:— EXCEPT, HOWEVER, That any withdrawal of~~
11 ~~public ground waters for stock-watering purposes, or for the watering~~
12 ~~of a lawn or of a noncommercial garden not exceeding one-half acre in~~
13 ~~area, or for single or group domestic uses in an amount not exceeding~~
14 ~~five thousand gallons a day, or for an industrial purpose in an amount~~
15 ~~not exceeding five thousand gallons a day, is and shall be exempt from~~
16 ~~the provisions of this section, but, to the extent that it is regularly~~
17 ~~used beneficially, shall be entitled to a right equal to that~~
18 ~~established by a permit issued under the provisions of this chapter:~~
19 ~~PROVIDED, HOWEVER, That the department from time to time may require~~

1 the person or agency making any such small withdrawal to furnish
2 information as to the means for and the quantity of that withdrawal:
3 PROVIDED, FURTHER, That at the option of the party making withdrawals
4 of ground waters of the state not exceeding five thousand gallons per
5 day, applications under this section or declarations under RCW
6 90.44.090 may be filed and permits and certificates obtained in the
7 same manner and under the same requirements as is in this chapter
8 provided in the case of withdrawals in excess of five thousand gallons
9 a day)).

10 (2) Notwithstanding the requirement set forth in subsection (1) of
11 this section, and subject to the provisions of subsection (3) of this
12 section, a withdrawal of public ground waters in an amount not
13 exceeding five thousand gallons per day for:

14 (a) Stockwatering purposes;

15 (b) The watering of a lawn or a noncommercial garden not exceeding
16 one-half acre in area;

17 (c) A single or group domestic use;

18 (d) An industrial purpose;

19 (e) An aquacultural purpose; or

20 (f) An agricultural purpose, provided that only one well per farm
21 receives this exemption;

22 is and shall be exempt from the provisions of this section, but, to the
23 extent it is regularly used beneficially and in conformance with all
24 other applicable laws, is entitled to a right equal to that established
25 under the provisions of this chapter.

26 (3) The department shall, by rule, determine those areas, within
27 the boundaries of urban growth areas established under RCW 36.70A.110,
28 where the exemption set forth in subsection (2) of this section shall
29 not be available. The department shall, in making its determination
30 and adopting its rules, use as guidance and be consistent with, where
31 applicable, the ground water management plans created under RCW
32 90.44.400, regional plans as developed under RCW 90.54.045, and
33 coordinated water system plans developed under chapter 70.116 RCW. The
34 department shall consult with local governments, and Indian tribes
35 within the affected area.

36 (4) The department may require the person or entity making a
37 withdrawal under this section to furnish information as to the means
38 for and the quantity of that withdrawal.

1 (5) At the option of the person or entity making a withdrawal under
2 this section, applications or declarations may be filed under RCW
3 90.44.090.

4 **Sec. 2.** RCW 19.27.097 and 1991 sp.s. c 32 s 28 are each amended to
5 read as follows:

6 (1) Each applicant for a building permit of a building
7 necessitating potable water shall provide evidence of an adequate water
8 supply for the intended use of the building. Evidence may be in the
9 form of a water right permit from the department of ecology, a letter
10 from an approved water purveyor stating the ability to provide water,
11 or another form sufficient to verify the existence of an adequate water
12 supply. In addition to other authorities, the county or city (~~may~~)
13 shall impose conditions on building permits for developments within the
14 boundaries of urban growth areas established under RCW 36.70A.110, and
15 may impose conditions on building permits in other areas, requiring
16 connection to an existing public water system where the existing system
17 is (~~willing and~~) able to provide safe and reliable potable water to
18 the applicant with reasonable economy and efficiency. An application
19 for a water right shall not be sufficient proof of an adequate water
20 supply.

21 (2) Within counties not required or not choosing to plan pursuant
22 to RCW 36.70A.040, the county and the state may mutually determine
23 those areas in the county in which the requirements of subsection (1)
24 of this section shall not apply. The departments of health and ecology
25 shall coordinate on the implementation of this section. Should the
26 county and the state fail to mutually determine those areas to be
27 designated pursuant to this subsection, the county may petition the
28 department of community development to mediate or, if necessary, make
29 the determination.

30 (3) Buildings that do not need potable water facilities are exempt
31 from the provisions of this section. The department of ecology, after
32 consultation with local governments, may adopt rules to implement this
33 section, which may recognize differences between high-growth and low-
34 growth counties.

35 **Sec. 3.** RCW 43.20.050 and 1992 c 34 s 4 are each amended to read
36 as follows:

1 (1) The state board of health shall provide a forum for the
2 development of health policy in Washington state. It is authorized to
3 recommend to the secretary means for obtaining appropriate citizen and
4 professional involvement in all health policy formulation and other
5 matters related to the powers and duties of the department. It is
6 further empowered to hold hearings and explore ways to improve the
7 health status of the citizenry.

8 (a) At least every five years, the state board shall convene
9 regional forums to gather citizen input on health issues.

10 (b) Every two years, in coordination with the development of the
11 state biennial budget, the state board shall prepare the state health
12 report that outlines the health priorities of the ensuing biennium.
13 The report shall:

14 (i) Consider the citizen input gathered at the health forums;

15 (ii) Be developed with the assistance of local health departments;

16 (iii) Be based on the best available information collected and
17 reviewed according to RCW 43.70.050 and recommendations from the
18 council;

19 (iv) Be developed with the input of state health care agencies. At
20 least the following directors of state agencies shall provide timely
21 recommendations to the state board on suggested health priorities for
22 the ensuing biennium: The secretary of social and health services, the
23 health care authority administrator, the insurance commissioner, the
24 administrator of the basic health plan, the superintendent of public
25 instruction, the director of labor and industries, the director of
26 ecology, and the director of agriculture;

27 (v) Be used by state health care agency administrators in preparing
28 proposed agency budgets and executive request legislation;

29 (vi) Be submitted by the state board to the governor by June 1 of
30 each even-numbered year for adoption by the governor. The governor, no
31 later than September 1 of that year, shall approve, modify, or
32 disapprove the state health report.

33 (c) In fulfilling its responsibilities under this subsection, the
34 state board shall create ad hoc committees or other such committees of
35 limited duration as necessary. Membership should include legislators,
36 providers, consumers, bioethicists, medical economics experts, legal
37 experts, purchasers, and insurers, as necessary.

38 (2) In order to protect public health, the state board of health
39 shall:

1 (a) Adopt rules necessary to assure safe and reliable public
2 drinking water and to protect the public health. Such rules shall
3 establish requirements regarding:

4 (i) The design and construction of public water system facilities,
5 including proper sizing of pipes and storage for the number and type of
6 customers;

7 (ii) Drinking water quality standards, monitoring requirements, and
8 laboratory certification requirements;

9 (iii) Public water system management and reporting requirements;

10 (iv) Public water system planning and emergency response
11 requirements;

12 (v) Public water system operation and maintenance requirements
13 including a requirement that no public community water system
14 established after January 1, 1994, within the boundaries of an urban
15 growth area established under RCW 36.70A.110, be approved unless it is
16 owned and operated by a satellite system management agency in
17 accordance with the provisions set forth in RCW 70.116.134, and a
18 requirement that no public community water system established after
19 January 1, 1994, in nonurban growth areas be approved unless it is
20 owned and operated by a satellite system management agency in
21 accordance with the provisions set forth in RCW 70.116.134, where a
22 satellite system is available;

23 (vi) Water quality, reliability, and management of existing but
24 inadequate public water systems; and

25 (vii) Quality standards for the source or supply, or both source
26 and supply, of water for bottled water plants.

27 (b) Adopt rules and standards for prevention, control, and
28 abatement of health hazards and nuisances related to the disposal of
29 wastes, solid and liquid, including but not limited to sewage, garbage,
30 refuse, and other environmental contaminants; adopt standards and
31 procedures governing the design, construction, and operation of sewage,
32 garbage, refuse and other solid waste collection, treatment, and
33 disposal facilities;

34 (c) Adopt rules controlling public health related to environmental
35 conditions including but not limited to heating, lighting, ventilation,
36 sanitary facilities, cleanliness and space in all types of public
37 facilities including but not limited to food service establishments,
38 schools, institutions, recreational facilities and transient
39 accommodations and in places of work;

1 (d) Adopt rules for the imposition and use of isolation and
2 quarantine;

3 (e) Adopt rules for the prevention and control of infectious and
4 noninfectious diseases, including food and vector borne illness, and
5 rules governing the receipt and conveyance of remains of deceased
6 persons, and such other sanitary matters as admit of and may best be
7 controlled by universal rule; and

8 (f) Adopt rules for accessing existing data bases for the purposes
9 of performing health related research.

10 (3) The state board may delegate any of its rule-adopting authority
11 to the secretary and rescind such delegated authority.

12 (4) All local boards of health, health authorities and officials,
13 officers of state institutions, police officers, sheriffs, constables,
14 and all other officers and employees of the state, or any county, city,
15 or township thereof, shall enforce all rules adopted by the state board
16 of health. In the event of failure or refusal on the part of any
17 member of such boards or any other official or person mentioned in this
18 section to so act, he shall be subject to a fine of not less than fifty
19 dollars, upon first conviction, and not less than one hundred dollars
20 upon second conviction.

21 (5) The state board may advise the secretary on health policy
22 issues pertaining to the department of health and the state.

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