
SUBSTITUTE HOUSE BILL 2616

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Linville, Horn, Rust, Foreman, Kremen, B. Thomas, Roland, Van Luven, Basich, Karahalios, Holm, Hansen, L. Johnson, Peery, J. Kohl, Bray, Flemming, Pruitt, Edmondson, Forner, Valle, Shin, R. Meyers, Ogden, Dunshee, Wolfe, Sheldon, Jones, Brough, Sheahan, Romero, Chappell, Dyer, Springer, King, Cothorn and Long)

Read first time 02/04/94.

1 AN ACT Relating to ground water testing; amending RCW 70.119A.020
2 and 70.105D.070; adding new sections to chapter 70.119A RCW; creating
3 a new section; and declaring an emergency.

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

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

6 (1) The federal safe drinking water act has imposed significant new
7 costs on public water systems and that the state should seek maximum
8 regulatory flexibility allowed under federal law;

9 (2) There is a need to comprehensively assess and characterize the
10 ground waters of the state to evaluate public health risks from organic
11 and inorganic chemicals regulated under federal law;

12 (3) That federal law provides a mechanism to significantly reduce
13 testing and monitoring costs to public water systems through the use of
14 area-wide waivers.

15 The legislature therefore directs the department of health to
16 conduct a voluntary program to selectively test the ground waters of
17 the state for organic and inorganic chemicals regulated under federal
18 law for the purpose of granting area-wide waivers.

1 **Sec. 2.** RCW 70.119A.020 and 1991 c 304 s 2 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the following
4 definitions apply throughout this chapter:

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

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

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

11 (4) "Public water system" means any system, excluding a system
12 serving only one single-family residence and a system with four or
13 fewer connections all of which serve residences on the same farm,
14 providing piped water for human consumption, including any collection,
15 treatment, storage, or distribution facilities under control of the
16 purveyor and used primarily in connection with the system; and
17 collection or pretreatment storage facilities not under control of the
18 purveyor but primarily used in connection with the system, including:

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

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

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

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

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

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

1 (9) "Area-wide waivers" means a waiver granted by the department as
2 a result of a geographically based testing program meeting required
3 provisions of the federal safe drinking water act.

4 (10) "Local health officer" means the legally qualified physician
5 who has been appointed as the health officer for the city, town,
6 county, or district public health department.

7 (~~(10)~~) (11) "Person" includes, but is not limited to, natural
8 persons, municipal corporations, governmental agencies, firms,
9 companies, mutual or cooperative associations, institutions, and
10 partnerships. It also means the authorized agents of any such
11 entities.

12 (~~(11)~~) (12) "Public health emergency" means a declaration by an
13 authorized health official of a situation in which either illness, or
14 exposure known to cause illness, is occurring or is imminent.

15 (~~(12)~~) (13) "Secretary" means the secretary of the department of
16 health.

17 (~~(13)~~) (14) "State board of health" is the board created by RCW
18 43.20.030.

19 NEW SECTION. Sec. 3. A new section is added to chapter 70.119A
20 RCW to read as follows:

21 The department shall develop and implement a voluntary program
22 sufficient to allow public water systems to be waived from full testing
23 requirements for organic and inorganic chemicals under the federal safe
24 drinking water act. The department shall pay the initial testing and
25 programmatic costs for the area-wide waiver program. The department
26 shall assess a fee using its authority under RCW 43.20B.020, sufficient
27 to cover all testing and directly related costs to public water systems
28 that apply for an area-wide waiver. The department shall adjust the
29 amount of the fee based on the size of the public drinking water
30 system. Fees charged by the department may not vary by more than a
31 factor of ten. The department shall, to the maximum extent possible,
32 use the services of local governments, local health departments, and
33 private laboratories to implement the area-wide testing program. The
34 department shall consult with the departments of agriculture and
35 ecology for the purpose of exchanging water quality and other
36 information.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.119A
2 RCW to read as follows:

3 By December 1, 1994, the department shall submit a brief report to
4 the appropriate standing committees of the legislature on the
5 following:

6 (1) The water quality characteristics of the public water systems
7 sampled;

8 (2) The number of waivers granted to public water systems;

9 (3) The fees charged to public water systems and the expected
10 timeline for collecting the fees;

11 (4) The total amount saved by public water systems through the
12 area-wide waiver;

13 (5) Recommendations for additional opportunities to grant area-wide
14 waivers and a summary of associated costs; and

15 (6) Any other information deemed relevant by the department.

16 **Sec. 5.** RCW 70.105D.070 and 1991 sp.s. c 13 s 69 are each amended
17 to read as follows:

18 (1) The state toxics control account and the local toxics control
19 account are hereby created in the state treasury.

20 (2) The following moneys shall be deposited into the state toxics
21 control account: (a) Those revenues which are raised by the tax
22 imposed under RCW 82.21.030 and which are attributable to that portion
23 of the rate equal to thirty-three one-hundredths of one percent; (b)
24 the costs of remedial actions recovered under this chapter or chapter
25 70.105A RCW; (c) penalties collected or recovered under this chapter;
26 and (d) any other money appropriated or transferred to the account by
27 the legislature. Moneys in the account may be used only to carry out
28 the purposes of this chapter, including but not limited to the
29 following activities:

30 (i) The state's responsibility for hazardous waste planning,
31 management, regulation, enforcement, technical assistance, and public
32 education required under chapter 70.105 RCW;

33 (ii) The state's responsibility for solid waste planning,
34 management, regulation, enforcement, technical assistance, and public
35 education required under chapter 70.95 RCW;

36 (iii) The hazardous waste cleanup program required under this
37 chapter;

38 (iv) State matching funds required under the federal cleanup law;

1 (v) Financial assistance for local programs in accordance with RCW
2 70.95.130, 70.95.140, 70.95.220, 70.95.230, 70.95.530, 70.105.220,
3 70.105.225, 70.105.235, and 70.105.260;

4 (vi) State government programs for the safe reduction, recycling,
5 or disposal of hazardous wastes from households, small businesses, and
6 agriculture;

7 (vii) Hazardous materials emergency response training;

8 (viii) Water and environmental health protection and monitoring
9 programs;

10 (ix) Programs authorized under chapter 70.146 RCW;

11 (x) A public participation program, including regional citizen
12 advisory committees;

13 (xi) Public funding to assist potentially liable persons to pay for
14 the costs of remedial action in compliance with cleanup standards under
15 RCW 70.105D.030(2)(d) but only when the amount and terms of such
16 funding are established under a settlement agreement under RCW
17 70.105D.040(4) and when the director has found that the funding will
18 achieve both (A) a substantially more expeditious or enhanced cleanup
19 than would otherwise occur, and (B) the prevention or mitigation of
20 unfair economic hardship; and

21 (xii) Development and demonstration of alternative management
22 technologies designed to carry out the top two hazardous waste
23 management priorities of RCW 70.105.150.

24 (3) The following moneys shall be deposited into the local toxics
25 control account: Those revenues which are raised by the tax imposed
26 under RCW 82.21.030 and which are attributable to that portion of the
27 rate equal to thirty-seven one-hundredths of one percent.

28 (a) Moneys deposited in the local toxics control account shall be
29 used by the department for grants to local governments for the
30 following purposes in descending order of priority: ~~((a))~~ (i)
31 Remedial actions; ~~((b))~~ (ii) hazardous waste plans and programs under
32 RCW 70.105.220, 70.105.225, 70.105.235, and 70.105.260; and ~~((c))~~
33 (iii) solid waste plans and programs under RCW 70.95.130, 70.95.140,
34 70.95.220, and 70.95.230. Funds for plans and programs shall be
35 allocated consistent with the priorities and matching requirements
36 established in chapters 70.105 and 70.95 RCW.

37 (b) Funds may also be appropriated to the department of health to
38 implement programs to reduce testing requirements under the federal
39 safe drinking water act for public water systems. The department of

1 health shall reimburse the account from fees assessed under section 3
2 of this act by June 30, 1995.

3 (4) Except for unanticipated receipts under RCW 43.79.260 through
4 43.79.282, moneys in the state and local toxics control accounts may be
5 spent only after appropriation by statute.

6 (5) One percent of the moneys deposited into the state and local
7 toxics control accounts shall be allocated only for public
8 participation grants to persons who may be adversely affected by a
9 release or threatened release of a hazardous substance and to not-for-
10 profit public interest organizations. The primary purpose of these
11 grants is to facilitate the participation by persons and organizations
12 in the investigation and remedying of releases or threatened releases
13 of hazardous substances and to implement the state's solid and
14 hazardous waste management priorities. No grant may exceed fifty
15 thousand dollars though it may be renewed annually. Moneys
16 appropriated for public participation from either account which are not
17 expended at the close of any biennium shall revert to the state toxics
18 control account.

19 (6) No moneys deposited into either the state or local toxics
20 control account may be used for solid waste incinerator feasibility
21 studies, construction, maintenance, or operation.

22 (7) The department shall adopt rules for grant issuance and
23 performance.

24 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and shall take
27 effect immediately.

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