CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2061**

64th Legislature

2016 Regular Session

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| Passed by the House March 7, 2016  Yeas 75 Nays 21  **Speaker of the House of Representatives**  Passed by the Senate March 2, 2016  Yeas 28 Nays 19  **President of the Senate** | CERTIFICATE  I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2061** as passed by House of Representatives and the Senate on the dates hereon set forth.  **Chief Clerk** |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2061**

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AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

**State of Washington 64th Legislature 2016 Regular Session**

**By** House Environment (originally sponsored by Representatives Short and Kretz)

AN ACT Relating to authorizing county legislative authorities to approve certain group B water systems based upon their delivery of water meeting safe drinking water standards; amending RCW 43.20.050; and adding a new section to chapter 36.01 RCW.

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

**Sec.**  RCW 43.20.050 and 2011 c 27 s 1 are each amended to read as follows:

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

(b) In fulfilling its responsibilities under this subsection, the state board may create ad hoc committees or other such committees of limited duration as necessary.

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

(a) Adopt rules for group A public water systems, as defined in RCW 70.119A.020, necessary to ((~~assure~~)) ensure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

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

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

(iii) Public water system management and reporting requirements;

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

(v) Public water system operation and maintenance requirements;

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

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

(b)(i) Adopt rules as necessary for group B public water systems, as defined in RCW 70.119A.020. The rules shall, at a minimum, establish requirements regarding the initial design and construction of a public water system. The state board of health rules may waive some or all requirements for group B public water systems with fewer than five connections.

(ii) Irrespective of the rules adopted pursuant to (b)(i) of this subsection and consistent with section 2 of this act, until January 1, 2021, a county legislative authority of a county east of the crest of the Cascade mountains that is contiguous with the border with Canada and that has a population of less than fifty thousand residents may act to approve the operation of a group B public water system, as defined in RCW 70.119A.020, serving nine or fewer connections. A county legislative authority may choose to seek the advice of a local health jurisdiction, as defined in RCW 70.119A.020, in determining whether to approve the operation of a group B public water system under this section;

(c) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains;

(d) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, and cleanliness in public facilities including but not limited to food service establishments, schools, recreational facilities, and transient accommodations;

(e) Adopt rules for the imposition and use of isolation and quarantine;

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

(g) Adopt rules for accessing existing databases for the purposes of performing health related research.

(3) The state board shall adopt rules for the design, construction, installation, operation, and maintenance of those on‑site sewage systems with design flows of less than three thousand five hundred gallons per day.

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

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

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

NEW SECTION. **Sec.**  A new section is added to chapter 36.01 RCW to read as follows:

(1)(a) The county legislative authority of a county east of the crest of the Cascade mountains that is contiguous with the border with Canada and that has a population of less than fifty thousand residents may act to approve the operation of a group B public water system, as defined in RCW 70.119A.020, serving nine or fewer connections if:

(i) The raw groundwater source does not meet local water quality standards; and

(ii) The system has provided evidence to the county legislative authority that the water provided meets local potable water quality standards at the point at which the water is delivered for potable use.

(b) A group B public water system that was authorized under the rules adopted pursuant to RCW 43.20.050, as of the effective date of this section, and that adds connections to the group B public water system, may receive approval from the county legislative authority pursuant to (a) of this section to expand the number of connections in the group B public water system, but only if the total number of connections does not exceed nine connections.

(2)(a) A group B public water system must submit test results to the county legislative authority by December 15th of each year demonstrating that the potable water delivered meets local potable water standards, if the group B public water system was approved by the county legislative authority under subsection (1) of this section. By December 15th of each year, a group B public water system must also provide a copy of the test results submitted to the county legislative authority to each customer connection served by the group B public water system. The county legislative authority must provide submitted test results to the local health jurisdiction.

(b) The county legislative authority must designate at least one county employee as a point of contact for questions, problems, and other issues relating to group B public water systems. The county legislative authority must provide a notice identifying the county's point of contact to a group B public water system owner and operator upon the system's approval under this section, and either party must notify the other if there is a change in ownership, operator, or the county's point of contact.

(3) Prior to a county's approval of a group B public water system where raw groundwater does not meet water quality standards under this section, the group B public water system must review alternate sources of water and share that review with its owners and the county. The alternative sources that a group B public water system should consider includes, but is not limited to, rainwater collection, truck and storage systems, or other nontraditional conveyance methods. The county legislative authority may require that a group B public water system treat any alternative water sources that it relies upon.

(4) By January 15, 2019, a county that approves a group B public water system under the authority granted in this section must submit a report to the appropriate fiscal and policy committees of the legislature consistent with RCW 43.01.036. The report must summarize information pertinent to the county's implementation of this section, including but not limited to:

(a) The number of group B public water systems and associated new connections that were approved by the county legislative authority after January 1, 2016, under the authority granted in this section;

(b) The test results submitted to the county legislative authority under subsection (2) of this section and analysis of whether those test results indicate that group B public water systems delivered water that met local potable water quality standards; and

(c) The contaminants that were present in water sources used by the group B public water systems approved under this section and the types of treatment used to address each contaminant by the group B public water systems.

(5) For the purposes of this section "local potable water quality standards" means water quality standards that apply to private water wells exempted under RCW 90.44.050 that are located in the same county as the group B public water system, including but not limited to standards for known contaminants identified by and in consultation with a local health jurisdiction.

(6) The authority established in this section for a county legislative authority to approve a group B public water system expires January 1, 2021.

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