

SENATE BILL REPORT

SB 5551

**AS REPORTED BY COMMITTEE ON AGRICULTURE & WATER RESOURCES,
MARCH 1, 1991**

Brief Description: Concerning safe drinking water.

SPONSORS: Senators Madsen, Barr and Williams; by request of Department of Health.

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5551 be substituted therefor, and the substitute bill do pass.

Signed by Senators Barr, Chairman; Conner, Gaspard, and Hansen.

Staff: Bob Lee (786-7404)

Hearing Dates: February 21, 1991; March 1, 1991

BACKGROUND:

There currently is an elaborate system of regulations that has the aim of assuring that water delivered by a public water system is safe and reliable. A public water system is one that provides water to two or more connections. The Department of Health administers a number of statutes, and regulations adopted by the State Board of Health that govern the design, construction, operation, financing and management of public water systems. The regulations also provide for the treatment and sampling of water and certification of operators of public water systems.

Water systems with 1,000 or more connections are required to develop water system plans for the review and approval by the department. Any new public water system can also be required to submit plans. These plans contain a number of components and are required to be updated and submitted for approval every five years.

Currently, the Department of Health has authority to require compliance with rules by issuing letters requiring appropriate corrective measures, issuance of compliance schedules, issuing orders to require specific actions, and imposing civil fines not to exceed \$5,000 per day where there is either a public health emergency or a chronic violation or refusal to correct a health problem.

In 1989, the Legislature required the Department of Health to administer program elements necessary to assume responsibility to enforce the federal Safe Drinking Water Act of 1986. The state drinking water program is currently funded through appropriations from the state general fund.

SUMMARY:

Each public water system is required to obtain an operating permit from the Department of Health. This requirement shall apply to water systems that deliver water for human consumption that have two or more connections. No person may operate a water system without first receiving a permit.

The department may require each applicant to provide any information reasonable and necessary to determine compliance with the federal Safe Drinking Water Act, and with state laws and regulations adopted by the State Board of Health. Following the review of the application, the Department of Health shall issue or deny the operating permit and is authorized to impose requirements on the permit for system improvements and compliance schedules. The applicant is entitled to a public hearing if the department denies the application or imposes conditions upon the operator.

The operating permit is to be issued annually and shall be accompanied by a fee set by the department ranging from \$100 to \$1,000 per year. The department may phase in the implementation for any group of systems according to a schedule of implementation.

The operating permit fees are to be placed in the safe drinking water account which is created by the act. These funds are subject to appropriation and may be used to carry out the purposes of this act and to contract with local governments. Local governments are prohibited from administering a separate operating permit requirement until July 1, 1996 with this provision taking effect on July 1, 1991.

EFFECT OF PROPOSED SUBSTITUTE:

A procedure is provided for public water systems to appeal permit decisions. The operator may continue to operate a system until a decision on the appeal is issued.

Notification is to be provided to public water systems at least 120 days in advance of the date to apply for a permit. Satellite management agencies are required to obtain one permit and would obtain a reduced fee of \$1 per connection.

State and local governments are not to have duplicate operating permit requirements.

The authority of the Department of Health to adopt rules to establish fees is deleted and its proposed fee schedule is set forth in statute. The range of fees is from \$1 to \$8.50 per connection depending on the size of the system.

Water systems with less than 15 connections have the option of obtaining a permit.

Appropriation: none

Revenue: none

Fiscal Note: requested

Effective Date: July 1, 1991

TESTIMONY FOR:

The operating permit will improve the ability of the Department of Health to enforce the requirements of the federal Safe Drinking Water Act and state drinking water laws. The permit system will allow the department to collect additional funds to provide supplemental funding for the state drinking water program.

TESTIMONY AGAINST:

Water systems as small as two hookups should not be considered a public water system and thus subject to various state imposed requirements. The legislation needs to provide notification to public water systems.

TESTIFIED: Pat Wiles, IOWUA (pro); Joe Daniels, Washington State Association of Water Districts (pro); Don Leaf, Washington State Env. Health (pro); Marlina Guhlke, Lincoln County Env. Health (con); Eric Slagle, Rick Siffert, Department of Health (pro); Richard Junk, Woodland Park Utility Assn. (con); Lou Dooley, Washington State Environmental Health Directors (pro)