

SENATE BILL REPORT

ESSB 5765

AS PASSED SENATE, MARCH 20, 1991

Brief Description: Changing provisions regarding water management.

SPONSORS: Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr, Madsen and Bailey).

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5765 be substituted therefor, and the substitute bill do pass.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Hansen, and Newhouse.

Staff: Ed Dee (786-7449)

Hearing Dates: February 28, 1991; March 6, 1991

BACKGROUND:

Section 63 of the 1990 Growth Management Act requires applicants for building permits for buildings necessitating potable water to provide proof of adequate water supply prior to issuance of permits. The section applies to areas within rural counties having no water quantity or quality problems.

Within rural counties of the state there are areas without significant water quantity or quality problems. County officials in some of these counties report serious backlogs and delays in building starts due to the requirement of proof of adequate water supply before building permits can be issued. Limited numbers of well drillers to dig wells and perform pump tests and limited laboratories to analyze samples contribute to this backlog.

In areas that are known to have water quantity or quality problems, county authority is unclear regarding denial or conditioning of building permits. Under current law, counties lack authority to require connection to approved public water systems. The proliferation of individual wells and nonviable small water systems is considered by state and local health authorities to be a major contributor to problems of quality and reliability of public water supply.

SUMMARY:

An exception is created to the requirement of proof of adequate water supply prior to issuance of building permits. Counties not required by law to adopt comprehensive land use plans may recommend areas to be designated as areas without

significant water resource problems. If county recommendations are approved by the Department of Ecology and the Department of Health, proof of adequate water supply will not be required with applications for building permits within the areas designated.

County recommendations will be reviewed by the Departments of Health and Ecology. Interested tribal governments will be consulted and informed of decisions. If the Department of Ecology determines there are no significant water quantity problems, and if the Department of Health determines there are no significant water quality problems, the county recommendation will be approved. The county can appeal decisions of the Department of Health to the State Board of Health. Decisions of the Department of Ecology can be appealed to the Pollution Control Hearings Board.

Except for designated areas, counties can deny building permits if there is an inadequate water supply or can condition permits to address water quantity or quality problems. Counties can require connection to existing public water systems under criteria established by the State Board of Health.

Area designations will be based on information currently available. Designation decisions are subject to periodic review at the departments' discretion but not less than once every five years. State and local governments are not liable for water quantity or quality problems found to exist in designated areas.

The Departments of Health and Ecology will adopt rules by December 31, 1991 containing guidelines for determining areas without significant water resource problems. The Department of Ecology and the State Board of Health must adopt rules to implement section 63 of the 1990 Growth Management Act. County governments must consult with interested Indian tribes prior to designating areas without significant water resource problems.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The requirement of proof of adequate water supply in order to receive a building permit is causing unnecessary delays in some counties. Counties should be able to identify areas without significant water resource problems and, for areas identified, no longer require proof of adequate water supply.

The State Board of Health and the Department of Health should be involved in determining whether there is an adequate supply of potable water. The State Board of Health should develop rules regarding water quality. Counties should require water

resource problems to be addressed prior to issuing building permits.

TESTIMONY AGAINST:

The process to designate areas without problems is too vague. The bill lacks standards and criteria to guide decisionmaking.

TESTIFIED: John Thayer, State Board of Health (pro); Jim Matsuyama, NE Tri-County Health Dist. (pro); John Kirner, WWUC