
SUBSTITUTE SENATE BILL 5551

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Madsen, Barr and Williams; by request of Department of Health).

Read first time March 5, 1991.

1 AN ACT Relating to public water system operating permits; amending
2 RCW 70.119A.030 and 70.119A.060; adding new sections to chapter 70.119A
3 RCW; creating a new section; and providing a contingent effective date.

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

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

6 (1) The responsibility for ensuring that the citizens of this state
7 have a safe and reliable drinking water supply is shared between local
8 government and state government, and is the obligation of every public
9 water system;

10 (2) A rapid increase in the number of public water systems
11 supplying drinking water to the citizens of this state has
12 significantly increased the burden on both local and state government
13 to monitor and enforce compliance by these systems with state laws that
14 govern planning, design, construction, operation, maintenance,
15 financing, management, and emergency response;

1 (3) The federal safe drinking water act imposes on state and local
2 governments and the public water systems of this state significant new
3 responsibilities for monitoring, testing, and treating drinking water
4 supplies; and

5 (4) Existing drinking water programs at both the state and local
6 government level need additional authorities to enable them to more
7 comprehensively and systematically address the needs of the public
8 water systems of this state and assure that the public health and
9 safety of its citizens are protected.

10 Therefore, annual operating permit requirements shall be
11 established in accordance with this chapter. The operating permit
12 requirements shall be administered by the department and shall be used
13 as a means to assure that public water systems provide safe and
14 reliable drinking water to the public. The department and local
15 government shall conduct comprehensive and systematic evaluations to
16 assess the adequacy and financial viability of public water systems.
17 The department may impose permit conditions, requirements for system
18 improvements, and compliance schedules in order to carry out the
19 purpose of this act.

20 **Sec. 2.** RCW 70.119A.030 and 1989 c 422 s 6 are each amended to
21 read as follows:

22 (1) The secretary or his or her designee or the local health
23 officer may declare a public health emergency. As limited by RCW
24 70.119A.040, the department may impose penalties for violations of laws
25 or regulations that are determined to be a public health emergency.

26 (2) As limited by RCW 70.119A.040, the department may impose
27 penalties for failure to comply with an order of the department, or of
28 an authorized local board of health, when the order:

1 (a) Directs any person to stop work on the construction or
2 alteration of a public water system when plans and specifications for
3 the construction or alteration have not been approved as required by
4 the regulations, or when the work is not being done in conformity with
5 approved plans and specifications;

6 (b) Requires any person to eliminate a cross-connection to a public
7 water system by a specified time; or

8 (c) Requires any person to cease violating any regulation relating
9 to public water systems, ~~((or))~~ to take specific actions within a
10 specified time to place a public water system in compliance with
11 regulations adopted under chapters 43.20 and 70.119 RCW, to apply for
12 an operating permit as required under section 4 of this act or to
13 comply with any conditions or requirements imposed as part of an
14 operating permit.

15 **Sec. 3.** RCW 70.119A.060 and 1990 c 132 s 4 are each amended to
16 read as follows:

17 (1) In order to assure safe and reliable public drinking water and
18 to protect the public health, public water systems shall:

19 (a) Protect the water sources used for drinking water;

20 (b) Provide treatment adequate to assure that the public health is
21 protected;

22 (c) Provide and effectively operate and maintain public water
23 system facilities;

24 (d) Plan for future growth and assure the availability of safe and
25 reliable drinking water;

26 (e) Provide the department with the current names, addresses, and
27 telephone numbers of the owners, operators, and emergency contact
28 persons for the system, including any changes to this information, and

1 provide to users the name and twenty-four hour telephone number of an
2 emergency contact person; and

3 (f) Take whatever investigative or corrective action is necessary
4 to assure that a safe and reliable drinking water supply is
5 continuously available to users.

6 (2) The department and local health jurisdictions shall carry out
7 the rules and regulations of the state board of health adopted pursuant
8 to RCW 43.20.050(2)(a) and other rules adopted by the department
9 relating to public water systems.

10 NEW SECTION. **Sec. 4.** (1) No person may operate a group A public
11 water system unless the person first submits an application to the
12 department and receives an operating permit as provided in this
13 section. A new application must be submitted upon any change in
14 ownership of the system. Any person operating a public water system on
15 the effective date of this section may continue to operate the system
16 until the department takes final action, including any time necessary
17 for a hearing under subsection (3) of this section, on a permit
18 application submitted by the person operating the system under the
19 rules adopted by the department to implement this section.

20 Those public water systems that are not group A public water
21 systems shall have the option of obtaining a permit and be regulated
22 under this chapter. Systems choosing this option shall pay the same
23 charge per service connection as those systems having fifteen
24 connections.

25 (2) The department may require that each application include the
26 information that is reasonable and necessary to determine that the
27 system complies with applicable standards and requirements of the
28 federal safe drinking water act, state law, and rules adopted by the
29 department or by the state board of health.

1 (3) Following its review of the application, its supporting
2 material, and any information received by the department in its
3 investigation of the application, the department shall issue or deny
4 the operating permit. The department shall act on initial permit
5 applications as expeditiously as possible, and shall in all cases
6 either grant or deny the application within one hundred twenty days of
7 receipt of the application or of any supplemental information required
8 to complete the application. The applicant for a permit shall be
9 entitled to file an appeal in accordance with chapter 34.05 RCW if the
10 department denies the initial or subsequent applications or imposes
11 conditions or requirements upon the operator. Any operator of a public
12 water system that requests a hearing may continue to operate the system
13 until a decision is issued after the hearing.

14 (4) At the time of initial permit application or at the time of
15 permit renewal the department may impose such permit conditions,
16 requirements for system improvements, and compliance schedules as it
17 determines are reasonable and necessary to ensure that the system will
18 provide a safe and reliable water supply to its users.

19 (5) Operating permits shall be issued for a term of one year, and
20 shall be renewed annually, unless the operator fails to apply for a new
21 permit or the department finds good cause to deny the application for
22 renewal.

23 (6) Each application shall be accompanied by an annual fee in
24 accordance with the following schedule:

25 <u>Number of service connections</u>	<u>Charge per connection</u>
26 Fifteen to fifty	\$8.50
27 Fifty to one hundred	\$7.50
28 One hundred to five hundred	\$6.50

1	Five hundred to seven hundred fifty	\$5.50
2	Seven hundred fifty to one thousand	\$4.50
3	One thousand to two thousand	\$3.00
4	Two thousand to three thousand	\$1.75
5	Three thousand to four thousand	\$1.25
6	Over four thousand	\$1.00

7 The fee for a permit application shall not be greater than five
8 thousand dollars for a public water supply system. In addition to the
9 fee schedule above, the department may charge an additional one-time
10 fee for new water systems of up to three dollars per service
11 connection.

12 (7) The department may phase-in the implementation for any group of
13 systems provided the schedule for implementation is established by
14 rule.

15 (8) The department shall notify existing public water systems of
16 the requirements of RCW 70.119A.030, 70.119A.060, and this section at
17 least one hundred twenty days prior to the date that an application for
18 a permit is required pursuant to RCW 70.119A.030, 70.119A.060, and this
19 section.

20 (9) The department shall issue one operating permit to any approved
21 satellite system management agency. Operating permit fees for approved
22 satellite system management agencies shall be one dollar per connection
23 per year for the total number of connections under the management of
24 the approved satellite agency. The department shall define by rule the
25 meaning of the term "satellite system management agency." If a
26 statutory definition of this term exists, then the department shall
27 adopt by rule a definition consistent with the statutory definition.

28 (10) For purposes of this section, "group A public water system"
29 and "system" mean those water systems with fifteen or more service

1 connections, regardless of the number of people; or a system serving
2 an average of twenty-five or more people per day for sixty or more days
3 within a calendar year, regardless of the number of service
4 connections.

5 NEW SECTION. **Sec. 5.** The safe drinking water account is created
6 in the general fund of the state treasury. All receipts from the
7 operating permit fees required to be paid under section 4 of this act
8 shall be deposited into the account. Moneys in the account may be
9 spent only after appropriation. Expenditures from the account may be
10 used by the department of health to carry out the purposes of this act
11 and to carry out contracts with local governments in accordance with
12 chapter 70.119A RCW.

13 NEW SECTION. **Sec. 6.** Until July 1, 1996, local governments shall
14 be prohibited from administering a separate operating permit
15 requirement for public water systems. After July 1, 1996, local
16 governments may establish separate operating permit requirements for
17 public water systems provided the operating permit requirements have
18 been approved by the department. The department shall not approve
19 local operating permit requirements unless the local system will result
20 in an increased level of service to the public water system. There
21 shall not be duplicate operating permit requirements imposed by local
22 governments and the department.

23 NEW SECTION. **Sec. 7.** The department shall adopt rules necessary
24 to implement sections 4 through 6 of this act. The requirements of
25 this act shall take effect upon adoption of rules pursuant to this act.

1 NEW SECTION. **Sec. 8.** Sections 4 through 6 of this act are each
2 added to chapter 70.119A RCW.