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**SENATE BILL 6258**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** Senators Talmadge and Barr

Read first time 01/22/92. Referred to Committee on Agriculture & Water Resources.

1 AN ACT Relating to water conservation; amending RCW 43.155.070,  
2 19.27.170, 35.63.010, 35.63.060, 35.63.080, 35A.63.010, 35A.63.062,  
3 36.70.020, 36.70.750, 36.70A.030, 36.70A.080, 43.20.230, 70.119A.110,  
4 and 35.92.105; adding a new chapter to Title 90 RCW; and adding new  
5 sections to chapter 70.119A RCW.

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

7 NEW SECTION. **Sec. 1.** As used in this chapter, "conservation"  
8 means those practices, techniques, projects, and technologies that will  
9 reduce the consumption of water, reduce the loss or waste of water,  
10 improve the efficiency in the use of water, or increase the recycling  
11 and reuse of water so that a water supply is made available for future  
12 or alternative uses.

1       **Sec. 2.** RCW 43.155.070 and 1991 sp.s. c 32 s 23 are each amended  
2 to read as follows:

3       (1) To qualify for loans or pledges under this chapter the board  
4 must determine that a local government meets all of the following  
5 conditions:

6       (a) The city or county must be imposing a tax under chapter 82.46  
7 RCW at a rate of at least one-quarter of one percent;

8       (b) The local government must have developed a long-term plan for  
9 financing public works needs;

10       (c) The local government must be using all local revenue sources  
11 which are reasonably available for funding public works, taking into  
12 consideration local employment and economic factors; ~~((and))~~

13       (d) A county, city, or town that is required or chooses to plan  
14 under RCW 36.70A.040 must have adopted a comprehensive plan in  
15 conformance with the requirements of chapter 36.70A RCW, after it is  
16 required that the comprehensive plan be adopted, and must have adopted  
17 development regulations in conformance with the requirements of chapter  
18 36.70A RCW, after it is required that development regulations be  
19 adopted; and

20       (e) For water system projects, the local government must be  
21 implementing a program to encourage water conservation.

22       (2) The board shall develop a priority process for public works  
23 projects as provided in this section. The intent of the priority  
24 process is to maximize the value of public works projects accomplished  
25 with assistance under this chapter. The board shall attempt to assure  
26 a geographical balance in assigning priorities to projects. The board  
27 shall consider at least the following factors in assigning a priority  
28 to a project:

1 (a) Whether the local government receiving assistance has  
2 experienced severe fiscal distress resulting from natural disaster or  
3 emergency public works needs;

4 (b) Whether the project is critical in nature and would affect the  
5 health and safety of a great number of citizens;

6 (c) The cost of the project compared to the size of the local  
7 government and amount of loan money available;

8 (d) The number of communities served by or funding the project;

9 (e) Whether the project is located in an area of high unemployment,  
10 compared to the average state unemployment;

11 (f) Whether the project is the acquisition, expansion, improvement,  
12 or renovation by a local government of a public water system that is in  
13 violation of health and safety standards, including the cost of  
14 extending existing service to such a system;

15 (g) The relative benefit of the project to the community,  
16 considering the present level of economic activity in the community and  
17 the existing local capacity to increase local economic activity in  
18 communities that have low economic growth; and

19 (h) Other criteria that the board considers advisable.

20 (3) Existing debt or financial obligations of local governments  
21 shall not be refinanced under this chapter. Each local government  
22 applicant shall provide documentation of attempts to secure additional  
23 local or other sources of funding for each public works project for  
24 which financial assistance is sought under this chapter.

25 (4) Before November 1 of each year, the board shall develop and  
26 submit to the chairs of the ways and means committees of the senate and  
27 house of representatives a description of the emergency loans made  
28 under RCW 43.155.065 during the preceding fiscal year and a prioritized  
29 list of projects which are recommended for funding by the legislature,  
30 including one copy to the staff of each of the committees. The list

1 shall include, but not be limited to, a description of each project and  
2 recommended financing, the terms and conditions of the loan or  
3 financial guarantee, the local government jurisdiction and unemployment  
4 rate, demonstration of the jurisdiction's critical need for the project  
5 and documentation of local funds being used to finance the public works  
6 project. The list shall also include measures of fiscal capacity for  
7 each jurisdiction recommended for financial assistance, compared to  
8 authorized limits and state averages, including local government sales  
9 taxes; real estate excise taxes; property taxes; and charges for or  
10 taxes on sewerage, water, garbage, and other utilities.

11 (5) The board shall not sign contracts or otherwise financially  
12 obligate funds from the public works assistance account before the  
13 legislature has appropriated funds for a specific list of public works  
14 projects. The legislature may remove projects from the list  
15 recommended by the board. The legislature shall not change the order  
16 of the priorities recommended for funding by the board.

17 (6) Subsections (4) and (5) of this section do not apply to loans  
18 made for emergency public works projects under RCW 43.155.065.

19 NEW SECTION. **Sec. 3.** (1) On or before October 1, 1993, each  
20 water system shall make a determination concerning whether or not it is  
21 appropriate to adopt and implement one or more of the rate techniques  
22 established by subsection (3) of this section, or another alternative  
23 or alternatives designed to encourage water conservation. Nothing in  
24 this section prohibits a water system from determining that it is not  
25 appropriate to implement such a schedule on the basis that the schedule  
26 would result in a significant reduction in rate revenues.

27 (2) The determination shall be made after public notice and  
28 hearing, and shall be available to the public. It shall be made in

1 writing and include a statement of findings and conclusions that are  
2 the basis of the determination.

3 (3) The rate techniques to be considered by a water system to  
4 encourage water conservation include but are not limited to:

5 (a) Increasing or inverted rates;

6 (b) Multistep block rates;

7 (c) Seasonal rates;

8 (d) Drought surcharges;

9 (e) Billing based upon frequent metering;

10 (f) Demand metering based upon peak consumption.

11 (4) This section shall apply to any water system that provides  
12 piped water for human consumption and that has one thousand or more  
13 service connections.

14 NEW SECTION. **Sec. 4.** (1) Within ninety days of making the  
15 determination required by section 3 of this act, the water system shall  
16 notify the department of health of the determination which includes a  
17 description of the system's plan for implementing any rate techniques  
18 which are adopted. The department of health may require periodic  
19 progress reports from the water system on implementation.

20 (2) This section shall apply to any water system that provides  
21 piped water for human consumption and that has one thousand or more  
22 service connections.

23 NEW SECTION. **Sec. 5.** The department of health shall provide  
24 technical assistance to water systems in the development of rate  
25 techniques to encourage water conservation. The department shall  
26 prepare model rate schedules and a reference manual available to all  
27 water systems for this purpose. The department shall provide

1 information to water systems on recent technological developments and  
2 system management techniques to increase water conservation.

3 NEW SECTION. **Sec. 6.** The department of health shall provide  
4 leak detection and water audit assistance to water systems having less  
5 than one thousand service connections. The department shall provide  
6 assistance in analyzing unaccounted-for water, including but not  
7 limited to defective hydrants, abandoned services, unmetered water,  
8 illegal hookups, unauthorized use of fire hydrants, and leaks in mains  
9 and services.

10 **Sec. 7.** RCW 19.27.170 and 1991 c 347 s 16 are each amended to read  
11 as follows:

12 (1) The state building code council shall adopt rules under chapter  
13 34.05 RCW that implement and incorporate the water conservation  
14 performance standards in subsections (4) and (5) of this section.  
15 These standards shall apply to all new construction and all remodeling  
16 involving replacement of plumbing fixtures in all residential, hotel,  
17 motel, school, industrial, commercial use, or other occupancies  
18 determined by the council to use significant quantities of water.

19 (2) The legislature recognizes that a phasing-in approach to these  
20 new standards is appropriate. Therefore, standards in subsection (4)  
21 of this section shall take effect on July 1, 1990. The standards in  
22 subsection (5) of this section shall take effect July 1, 1993.

23 (3) No individual, public or private corporation, firm, political  
24 subdivision, government agency, or other legal entity may, for purposes  
25 of use in this state, distribute, sell, offer for sale, import,  
26 install, or approve for installation any plumbing fixtures unless the  
27 fixtures meet the standards as provided for in this section.

28 (4) Standards for water use efficiency effective July 1, 1990.

1 (a) Standards for waterclosets. The guideline for maximum water  
2 use allowed in gallons per flush (gpf) for any of the following  
3 waterclosets is the following:

- 4 Tank-type toilets..... 3.5 gpf.
- 5 Flushometer-valve toilets..... 3.5 gpf.
- 6 Flushometer-tank toilets..... 3.5 gpf.
- 7 Electromechanical hydraulic toilets..... 3.5 gpf.

8 (b) Standard for urinals. The guideline for maximum water use  
9 allowed for any urinal is 3.0 gallons per flush.

10 (c) Standard for showerheads. The guideline for maximum water use  
11 allowed for any showerhead is 3.0 gallons per minute.

12 (d) Standard for faucets. The guideline for maximum water use  
13 allowed in gallons per minute (gpm) for any of the following faucets  
14 and replacement aerators is the following:

- 15 Bathroom faucets..... 3.0 gpm.
- 16 Lavatory faucets..... 3.0 gpm.
- 17 Kitchen faucets..... 3.0 gpm.
- 18 Replacement aerators..... 3.0 gpm.

19 (e) Except where designed and installed for use by the physically  
20 handicapped, lavatory faucets located in restrooms intended for use by  
21 the general public must be equipped with a metering valve designed to  
22 close by spring or water pressure when left unattended (self-closing).

23 (f) No urinal or watercloset that operates on a continuous flow or  
24 continuous flush basis shall be permitted.

25 (5) Standards for water use efficiency effective July 1, 1993.

26 (a) Standards for waterclosets. The guideline for maximum water  
27 use allowed in gallons per flush (gpf) for any of the following  
28 waterclosets is the following:

- 29 Tank-type toilets..... 1.6 gpf.
- 30 Flushometer-tank toilets..... 1.6 gpf.

1 Electromechanical hydraulic toilets..... 1.6 gpf.

2 (b) Standards for urinals. The guideline for maximum water use  
3 allowed for any urinal is 1.0 gallons per flush.

4 (c) Standards for showerheads. The guideline for maximum water use  
5 allowed for any showerhead is 2.5 gallons per minute.

6 (d) Standards for faucets. The guideline for maximum water use  
7 allowed in gallons per minute for any of the following faucets and  
8 replacement aerators is the following:

9 Bathroom faucets..... 2.5 gpm.

10 Lavatory faucets..... 2.5 gpm.

11 Kitchen faucets..... 2.5 gpm.

12 Replacement aerators..... 2.5 gpm.

13 (e) Except where designed and installed for use by the physically  
14 handicapped, lavatory faucets located in restrooms intended for use by  
15 the general public must be equipped with a metering valve designed to  
16 close by water pressure when unattended (self-closing).

17 (f) No urinal or watercloset that operates on a continuous flow or  
18 continuous basis shall be permitted.

19 (6) The building code council shall establish methods and  
20 procedures for testing and identifying fixtures that meet the standards  
21 established in subsection (5) of this section. The council shall use  
22 the testing standards designated as American national standards,  
23 written under American national standards institute procedures or other  
24 widely recognized national testing standards. The council shall either  
25 review test results from independent testing laboratories that are  
26 submitted by manufacturers of plumbing fixtures or accept data  
27 submitted to and evaluated by the international association of plumbing  
28 and mechanical officials. The council shall publish and widely  
29 distribute a current list of fixtures that meet the standards  
30 established in subsection (5) of this section.



1 (7) The building code council shall adopt rules for marking and  
2 labeling fixtures meeting the standards established in subsection (5)  
3 of this section. The rules shall also require that labels identify the  
4 specific rate of water use for each fixture.

5 (8) This section shall not apply to fixtures installed before July  
6 28, 1991, that are removed and relocated to another room or area of the  
7 same building after July 28, 1991, nor shall it apply to fixtures, as  
8 determined by the council, that in order to perform a specialized  
9 function, cannot meet the standards specified in this section.

10 (9) The water conservation performance standards shall supersede  
11 all local government codes. After July 1, 1990, cities, towns, and  
12 counties shall not amend the code revisions and standards established  
13 under subsection (4) or (5) of this section.

14 **Sec. 8.** RCW 35.63.010 and 1965 c 7 s 35.63.010 are each amended to  
15 read as follows:

16 As used in this chapter the following terms shall have the meaning  
17 herein given them:

18 (1) "Appointive members" means all members of a commission other  
19 than ex officio members;

20 (2) "Board" means the board of county commissioners;

21 (3) "City" includes every incorporated city and town;

22 (4) "Commission" means a city or county planning commission;

23 (5) "Council" means the chief legislative body of a city;

24 (6) "Ex officio members" means the members of a commission chosen  
25 from among city or county officials;

26 (7) "Highways" include streets, roads, boulevards, lanes, alleys,  
27 viaducts and other traveled ways;

28 (8) "Mayor" means the chief executive of a city;

29 (9) "Municipality" includes every county and city; and

1       (10) "Water-efficient landscaping" means (a) the deliberate  
2 selection and use of varieties of grass seeds for lawns and ornamental  
3 plants in designing landscapes with low water use requirements while  
4 maintaining a traditional appearance; and (b) the specification of  
5 water use requirements for installed sprinkler systems used to irrigate  
6 lawns and ornamental plants.

7       **Sec. 9.** RCW 35.63.060 and 1988 c 127 s 1 are each amended to read  
8 as follows:

9       The commission may act as the research and fact finding agency of  
10 the municipality. To that end it may make such surveys, analyses,  
11 researches and reports as are generally authorized or requested by its  
12 council or board, or by the state with the approval of its council or  
13 board. The commission, upon such request or authority may also:

14       (1) Make inquiries, investigations, and surveys concerning the  
15 resources of the county, including but not limited to: (a) The use of  
16 water-efficient landscaping for future development; and (b) the  
17 potential for solar energy development and alternative means to  
18 encourage and protect access to direct sunlight for solar energy  
19 systems;

20       (2) Assemble and analyze the data thus obtained and formulate plans  
21 for the conservation of such resources and the systematic utilization  
22 and development thereof;

23       (3) Make recommendations from time to time as to the best methods  
24 of such conservation, utilization, and development;

25       (4) Cooperate with other commissions and with other public agencies  
26 of the municipality, state and United States in such planning,  
27 conservation, and development; and

1 (5) In particular cooperate with and aid the state within its  
2 territorial limits in the preparation of the state master plan provided  
3 for in RCW 43.21A.350 and in advance planning of public works programs.

4 **Sec. 10.** RCW 35.63.080 and 1979 ex.s. c 170 s 4 are each amended  
5 to read as follows:

6 The council or board may provide for the preparation by its  
7 commission and the adoption and enforcement of coordinated plans for  
8 the physical development of the municipality. For this purpose the  
9 council or board, in such measure as is deemed reasonably necessary or  
10 requisite in the interest of health, safety, morals and the general  
11 welfare, upon recommendation by its commission, by general ordinances  
12 of the city or general resolution of the board, may regulate and  
13 restrict the location and the use of buildings, structures and land for  
14 residence, trade, industrial and other purposes; the height, number of  
15 stories, size, construction and design of buildings and other  
16 structures; the size of yards, courts and other open spaces on the lot  
17 or tract; the density of population; the set-back of buildings along  
18 highways, parks or public water frontages; and the subdivision and  
19 development of land; may require water-efficient landscaping; and may  
20 encourage and protect access to direct sunlight for solar energy  
21 systems. A council where such ordinances are in effect, may, on the  
22 recommendation of its commission provide for the appointment of a board  
23 of adjustment, to make, in appropriate cases and subject to appropriate  
24 conditions and safeguards established by ordinance, special exceptions  
25 in harmony with the general purposes and intent and in accordance with  
26 general or specific rules therein contained.

27 **Sec. 11.** RCW 35A.63.010 and 1967 ex.s. c 119 s 35A.63.010 are each  
28 amended to read as follows:

1       The following words or terms as used in this chapter shall have the  
2 meanings set forth below unless different meanings are clearly  
3 indicated by the context:

4       (1) "Chief administrative officer" means the mayor in code cities  
5 operating under the mayor-council and commission forms, the city  
6 manager in code cities operating under the council-manager forms, or  
7 such other officer as the charter of a charter code city designates as  
8 the chief administrative officer.

9       (2) "City" means an incorporated city or town.

10       (3) "Code city" is used where the application of this chapter is  
11 limited to a code city; where joint, regional, or cooperative action is  
12 intended, a code city may be included in the unrestricted terms "city"  
13 or "municipality".

14       (4) "Comprehensive plan" means the policies and proposals approved  
15 by the legislative body as set forth in RCW 35A.63.060 through  
16 35A.63.072 of this chapter and containing, at least, the elements set  
17 forth in RCW 35A.63.061.

18       (5) "Legislative body" means a code city council, a code city  
19 commission, and, in cases involving regional or cooperative planning or  
20 action, the governing body of a municipality.

21       (6) "Municipality" includes any code city and, in cases of regional  
22 or cooperative planning or action, any city, town, township, county, or  
23 special district.

24       (7) "Ordinance" means a legislative enactment by the legislative  
25 body of a municipality; in this chapter "ordinance" is synonymous with  
26 the term "resolution" when "resolution" is used as representing a  
27 legislative enactment.

28       (8) "Planning agency" means any person, body, or organization  
29 designated by the legislative body to perform a planning function or  
30 portion thereof for a municipality, and includes, without limitation,

1 any commission, committee, department, or board together with its staff  
2 members, employees, agents, and consultants.

3 (9) "Special district" means that portion of the state, county, or  
4 other political subdivision created under general law for rendering of  
5 one or more local public services or for administrative, educational,  
6 judicial, or political purposes.

7 (10) "Water-efficient landscaping" means (a) the deliberate  
8 selection and use of varieties of grass seeds for lawns and ornamental  
9 plants in designing landscapes with low water use requirements while  
10 maintaining a traditional appearance; and (b) the specification of  
11 water use requirements for installed sprinkler systems used to irrigate  
12 lawns and ornamental plants.

13 **Sec. 12.** RCW 35A.63.062 and 1979 ex.s. c 170 s 7 are each amended  
14 to read as follows:

15 The comprehensive plan may include also any or all of the following  
16 optional elements:

17 (1) A conservation element for the conservation, development, and  
18 utilization of natural resources.

19 (2) An open space, park, and recreation element.

20 (3) A transportation element showing a comprehensive system of  
21 surface, air, and water transportation routes and facilities.

22 (4) A public-use element showing general locations, designs, and  
23 arrangements of public buildings and uses.

24 (5) A public utilities element showing general plans for public and  
25 franchised services and facilities.

26 (6) A redevelopment or renewal element showing plans for the  
27 redevelopment or renewal of slum and blighted areas.

28 (7) An urban design element for general organization of the  
29 physical parts of the urban landscape.

1 (8) Other elements dealing with subjects that, in the opinion of  
2 the legislative body, relate to the development of the municipality, or  
3 are essential or desirable to coordinate public services and programs  
4 with such development.

5 (9) A solar energy element for encouragement and protection of  
6 access to direct sunlight for solar energy systems.

7 (10) A water-efficient landscaping element providing for efficient  
8 use of water for outdoor watering.

9 **Sec. 13.** RCW 36.70.020 and 1963 c 4 s 36.70.020 are each amended  
10 to read as follows:

11 The following words or terms as used in this chapter shall have the  
12 following meaning unless a different meaning is clearly indicated by  
13 the context:

14 (1) "Approval by motion" is a means by which a board, through other  
15 than by ordinance, approves and records recognition of a comprehensive  
16 plan or amendments thereto.

17 (2) "Board" means the board of county commissioners.

18 (3) "Certification" means the affixing on any map or by adding to  
19 any document comprising all or any portion of a comprehensive plan a  
20 record of the dates of action thereon by the commission and by the  
21 board, together with the signatures of the officer or officers  
22 authorized by ordinance to so sign.

23 (4) "Commission" means a county or regional planning commission.

24 (5) "Commissioners" means members of a county or regional planning  
25 commission.

26 (6) "Comprehensive plan" means the policies and proposals approved  
27 and recommended by the planning agency or initiated by the board and  
28 approved by motion by the board (a) as a beginning step in planning for  
29 the physical development of the county; (b) as the means for

1 coordinating county programs and services; (c) as a source of reference  
2 to aid in developing, correlating, and coordinating official  
3 regulations and controls; and (d) as a means for promoting the general  
4 welfare. Such plan shall consist of the required elements set forth in  
5 RCW 36.70.330 and may also include the optional elements set forth in  
6 RCW 36.70.350 which shall serve as a policy guide for the subsequent  
7 public and private development and official controls so as to present  
8 all proposed developments in a balanced and orderly relationship to  
9 existing physical features and governmental functions.

10 (7) "Conditional use" means a use listed among those classified in  
11 any given zone but permitted to locate only after review by the board  
12 of adjustment, or zoning adjustor if there be such, and the granting of  
13 a conditional use permit imposing such performance standards as will  
14 make the use compatible with other permitted uses in the same vicinity  
15 and zone and assure against imposing excessive demands upon public  
16 utilities, provided the county ordinances specify the standards and  
17 criteria that shall be applied.

18 (8) "Department" means a planning department organized and  
19 functioning as any other department in any county.

20 (9) "Element" means one of the various categories of subjects, each  
21 of which constitutes a component part of the comprehensive plan.

22 (10) "Ex officio member" means a member of the commission who  
23 serves by virtue of his or her official position as head of a  
24 department specified in the ordinance creating the commission.

25 (11) "Official controls" means legislatively defined and enacted  
26 policies, standards, precise detailed maps and other criteria, all of  
27 which control the physical development of a county or any part thereof  
28 or any detail thereof, and are the means of translating into  
29 regulations and ordinances all or any part of the general objectives of  
30 the comprehensive plan. Such official controls may include, but are

1 not limited to, ordinances establishing zoning, subdivision control,  
2 platting, and adoption of detailed maps.

3 (12) "Ordinance" means a legislative enactment by a board; in this  
4 chapter the word, "ordinance", is synonymous with the term  
5 "resolution", as representing a legislative enactment by a board of  
6 county commissioners.

7 (13) "Planning agency" means (a) a planning commission, together  
8 with its staff members, employees and consultants, or (b) a department  
9 organized and functioning as any other department in any county  
10 government together with its planning commission.

11 (14) "Variance". A variance is the means by which an adjustment is  
12 made in the application of the specific regulations of a zoning  
13 ordinance to a particular piece of property, which property, because of  
14 special circumstances applicable to it, is deprived of privileges  
15 commonly enjoyed by other properties in the same vicinity and zone and  
16 which adjustment remedies disparity in privileges.

17 (15) "Water-efficient landscaping" means (a) the deliberate  
18 selection and use of varieties of grass seeds for lawns and ornamental  
19 plants in designing landscapes with low water use requirements while  
20 maintaining a traditional appearance; and (b) the specification of  
21 water use requirements for installed sprinkler systems used to irrigate  
22 lawns and ornamental plants.

23 **Sec. 14.** RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended  
24 to read as follows:

25 Any board, by ordinance, may establish classifications, within each  
26 of which, specific controls are identified, and which will:

27 (1) Regulate the use of buildings, structures, and land as between  
28 agriculture, industry, business, residence, and other purposes; and



1 (2) Regulate location, height, bulk, number of stories and size of  
2 buildings and structures; the size of yards, courts, and other open  
3 spaces; the use of water-efficient landscaping for future development;  
4 the density of population; the percentage of a lot which may be  
5 occupied by buildings and structures; and the area required to provide  
6 off-street facilities for the parking of motor vehicles.

7 **Sec. 15.** RCW 36.70A.030 and 1990 1st ex.s. c 17 s 3 are each  
8 amended to read as follows:

9 Unless the context clearly requires otherwise, the definitions in  
10 this section apply throughout this chapter.

11 (1) "Adopt a comprehensive land use plan" means to enact a new  
12 comprehensive land use plan or to update an existing comprehensive land  
13 use plan.

14 (2) "Agricultural land" means land primarily devoted to the  
15 commercial production of horticultural, viticultural, floricultural,  
16 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
17 straw, turf, seed, Christmas trees not subject to the excise tax  
18 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has  
19 long-term commercial significance for agricultural production.

20 (3) "City" means any city or town, including a code city.

21 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"  
22 means a generalized coordinated land use policy statement of the  
23 governing body of a county or city that is adopted pursuant to this  
24 chapter.

25 (5) "Critical areas" include the following areas and ecosystems:

26 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
27 used for potable water; (c) fish and wildlife habitat conservation  
28 areas; (d) frequently flooded areas; and (e) geologically hazardous  
29 areas.

1 (6) "Department" means the department of community development.

2 (7) "Development regulations" means any controls placed on  
3 development or land use activities by a county or city, including, but  
4 not limited to, zoning ordinances, official controls, planned unit  
5 development ordinances, subdivision ordinances, and binding site plan  
6 ordinances.

7 (8) "Forest land" means land primarily useful for growing trees,  
8 including Christmas trees subject to the excise tax imposed under RCW  
9 84.33.100 through 84.33.140, for commercial purposes, and that has  
10 long-term commercial significance for growing trees commercially.

11 (9) "Geologically hazardous areas" means areas that because of  
12 their susceptibility to erosion, sliding, earthquake, or other  
13 geological events, are not suited to the siting of commercial,  
14 residential, or industrial development consistent with public health or  
15 safety concerns.

16 (10) "Long-term commercial significance" includes the growing  
17 capacity, productivity, and soil composition of the land for long-term  
18 commercial production, in consideration with the land's proximity to  
19 population areas, and the possibility of more intense uses of the land.

20 (11) "Minerals" include gravel, sand, and valuable metallic  
21 substances.

22 (12) "Public facilities" include streets, roads, highways,  
23 sidewalks, street and road lighting systems, traffic signals, domestic  
24 water systems, storm and sanitary sewer systems, parks and recreational  
25 facilities, and schools.

26 (13) "Public services" include fire protection and suppression, law  
27 enforcement, public health, education, recreation, environmental  
28 protection, and other governmental services.

29 (14) "Urban growth" refers to growth that makes intensive use of  
30 land for the location of buildings, structures, and impermeable

1 surfaces to such a degree as to be incompatible with the primary use of  
2 such land for the production of food, other agricultural products, or  
3 fiber, or the extraction of mineral resources. When allowed to spread  
4 over wide areas, urban growth typically requires urban governmental  
5 services. "Characterized by urban growth" refers to land having urban  
6 growth located on it, or to land located in relationship to an area  
7 with urban growth on it as to be appropriate for urban growth.

8 (15) "Urban growth areas" means those areas designated by a county  
9 pursuant to RCW 36.70A.110.

10 (16) "Urban governmental services" include those governmental  
11 services historically and typically delivered by cities, and include  
12 storm and sanitary sewer systems, domestic water systems, street  
13 cleaning services, fire and police protection services, public transit  
14 services, and other public utilities associated with urban areas and  
15 normally not associated with nonurban areas.

16 (17) "Wetland" or "wetlands" means areas that are inundated or  
17 saturated by surface water or ground water at a frequency and duration  
18 sufficient to support, and that under normal circumstances do support,  
19 a prevalence of vegetation typically adapted for life in saturated soil  
20 conditions. Wetlands generally include swamps, marshes, bogs, and  
21 similar areas. Wetlands do not include those artificial wetlands  
22 intentionally created from nonwetland sites, including, but not limited  
23 to, irrigation and drainage ditches, grass-lined swales, canals,  
24 detention facilities, wastewater treatment facilities, farm ponds, and  
25 landscape amenities. However, wetlands may include those artificial  
26 wetlands intentionally created from nonwetland areas created to  
27 mitigate conversion of wetlands, if permitted by the county or city.

28 (18) "Water-efficient landscaping" means (a) the deliberate  
29 selection and use of varieties of grass seeds for lawns and ornamental  
30 plants in designing landscapes with low water use requirements while

1 maintaining a traditional appearance; and (b) the specification of  
2 water use requirements for installed sprinkler systems used to irrigate  
3 lawns and ornamental plants.

4 **Sec. 16.** RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8 are each  
5 amended to read as follows:

6 (1) A comprehensive plan may include additional elements, items, or  
7 studies dealing with other subjects relating to the physical  
8 development within its jurisdiction, including, but not limited to:

9 (a) Conservation;

10 (b) Solar energy; ~~((and))~~

11 (c) Recreation; and

12 (d) Water-efficient landscaping providing for efficient use of  
13 water for outdoor watering.

14 (2) A comprehensive plan may include, where appropriate, subarea  
15 plans, each of which is consistent with the comprehensive plan.

16 **Sec. 17.** RCW 43.20.230 and 1989 c 348 s 12 are each amended to  
17 read as follows:

18 Consistent with the water resource planning process of the  
19 department of ecology, the department of ~~((social and))~~ health  
20 ~~((services))~~ shall ~~((contingent on the availability of funds))~~:

21 (1) Develop procedures and guidelines relating to water use  
22 efficiency, ~~((as defined in section 4(3) of this act,))~~ to be included  
23 in the development and approval of cost-efficient water system plans  
24 required under RCW 43.20.050;

25 (2) ~~((Develop))~~ Conduct a study, to be completed by January 1,  
26 1993, and summarized in a report to the legislature, of the potential  
27 in the state of Washington for wastewater and greywater reuse, with  
28 particular emphasis on municipal and industrial applications. The

1 study shall include analysis of current wastewater and greywater reuse  
2 in Washington and in other states, other reuse technology currently  
3 available or soon to be available, analysis of actual or anticipated  
4 net water savings and cost-effectiveness of the systems identified, and  
5 potential applications in this state. The study shall also include  
6 analysis of reuse standards and criteria necessary to protect public  
7 health and water quality. The report to the legislature shall include  
8 recommendations regarding future greywater and wastewater reuse in the  
9 state of Washington;

10 (3) Based on the study required by subsection (2) of this section,  
11 and prior to July 1, 1993, adopt rules containing reuse standards and  
12 criteria, with input from technical experts, with the objective of  
13 encouraging the cost-effective reuse of greywater and other water  
14 recycling practices, consistent with protection of public health and  
15 water quality; and

16 ~~((+3))~~ (4) Provide advice and technical assistance upon request in  
17 the development of water use efficiency plans and model rate-setting  
18 formulas.

19 NEW SECTION. Sec. 18. A new section is added to chapter 70.119A  
20 RCW to read as follows:

21 The legislature finds that many public water systems in the state  
22 do not meter water as it enters the system or upon distribution to  
23 individual users. Awareness of quantities of water consumed can assist  
24 system operators and water users to more efficiently utilize the  
25 resource. The legislature declares that it is in the public interest  
26 to accurately determine quantities of water delivered through the  
27 state's public water systems. Installation of source meters at the  
28 point of entry into public water systems and installation of meters on  
29 individual connections to the systems would help system operators and

1 users detect and reduce or eliminate losses caused by water leakage.  
2 Such meters would also allow operators and users to more accurately  
3 assess water use and assist them in efforts to use water more  
4 efficiently.

5 NEW SECTION. **Sec. 19.** A new section is added to chapter 70.119A  
6 RCW to read as follows:

7 (1) Public water systems serving fifteen or more connections that  
8 receive their initial operating permit or commence delivery of water  
9 after the effective date of this act shall install source meters that  
10 measure the quantity of water entering the system prior to distribution  
11 to individual connections. Such systems shall also meter all  
12 individual connections, and shall take and record readings from source  
13 and individual meters at least once every two months. The records of  
14 meter readings shall be reported annually to the department on forms  
15 provided by the secretary. Systems that expand to fifteen or more  
16 connections after the effective date of this act shall likewise meet  
17 the requirements of this subsection.

18 (2) Public water systems serving less than fifteen connections that  
19 receive initial department approval or begin delivering water after the  
20 effective date of this act shall install source meters to measure the  
21 quantity of water entering the systems. Individual domestic water  
22 supplies commencing use after the effective date of this act shall  
23 likewise meet the requirements of this subsection.

24 (3) Public water systems serving fifteen or more connections that  
25 were approved by the department and in operation prior to the effective  
26 date of this act shall meet all requirements of subsection (1) of this  
27 section prior to January 1, 1997.

1       **Sec. 20.** RCW 70.119A.110 and 1991 c 304 s 5 are each amended to  
2 read as follows:

3       (1) No person may operate a group A public water system unless the  
4 person first submits an application to the department and receives an  
5 operating permit as provided in this section. A new application must  
6 be submitted upon any change in ownership of the system. Any person  
7 operating a public water system on July 28, 1991, may continue to  
8 operate the system until the department takes final action, including  
9 any time necessary for a hearing under subsection (3) of this section,  
10 on a permit application submitted by the person operating the system  
11 under the rules adopted by the department to implement this section.

12       (2) The department may require that each application include the  
13 information that is reasonable and necessary to determine that the  
14 system complies with applicable standards and requirements of the  
15 federal safe drinking water act, state law, and rules adopted by the  
16 department or by the state board of health, including records of water  
17 use as measured by water meters required pursuant to section 19 of this  
18 act.

19       (3) Following its review of the application, its supporting  
20 material, and any information received by the department in its  
21 investigation of the application, the department shall issue or deny  
22 the operating permit. The department shall act on initial permit  
23 applications as expeditiously as possible, and shall in all cases  
24 either grant or deny the application within one hundred twenty days of  
25 receipt of the application or of any supplemental information required  
26 to complete the application. The applicant for a permit shall be  
27 entitled to file an appeal in accordance with chapter 34.05 RCW if the  
28 department denies the initial or subsequent applications or imposes  
29 conditions or requirements upon the operator. Any operator of a public

1 water system that requests a hearing may continue to operate the system  
2 until a decision is issued after the hearing.

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

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

12 (6) Each application shall be accompanied by an annual fee as  
13 follows:

14 (a) The annual fee for public water supply systems serving fifteen  
15 to forty-nine service connections shall be twenty-five dollars.

16 (b) The annual fee for public water supply systems serving fifty to  
17 three thousand three hundred thirty-three service connections shall be  
18 based on a uniform per service connection fee of one dollar and fifty  
19 cents per service connection.

20 (c) The annual fee for public water supply systems serving three  
21 thousand three hundred thirty-four to fifty-three thousand three  
22 hundred thirty-three service connections shall be based on a uniform  
23 per service connection fee of one dollar and fifty cents per service  
24 connection plus ten cents for each service connection in excess of  
25 three thousand three hundred thirty-three service connections.

26 (d) The annual fee for public water supply systems serving fifty-  
27 three thousand three hundred thirty-four or more service connections  
28 shall be ten thousand dollars.



1 (e) In addition to the fees under (a) through (d) of this  
2 subsection, the department may charge an additional one-time fee of  
3 five dollars for each service connection in a new water system.

4 (7) The department may phase-in the implementation for any group of  
5 systems provided the schedule for implementation is established by  
6 rule. Prior to implementing the operating permit requirement on water  
7 systems having less than five hundred service connections, the  
8 department shall form a committee composed of persons operating these  
9 systems. The committee shall be composed of the department of health,  
10 two operators of water systems having under one hundred connections,  
11 two operators of water systems having between one hundred and two  
12 hundred service connections, two operators of water systems having  
13 between two hundred and three hundred service connections, two  
14 operators of water systems having between three hundred and four  
15 hundred service connections, two operators of water systems having  
16 between four hundred and five hundred service connections, and two  
17 county public health officials. The members shall be chosen from  
18 different geographic regions of the state. This committee shall  
19 develop draft rules to implement this section. The draft rules will  
20 then be subject to the rule-making procedures in accordance with  
21 chapter 34.05 RCW.

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

27 (9) The department shall issue one operating permit to any approved  
28 satellite system management agency. Operating permit fees for approved  
29 satellite system management agencies shall be one dollar per connection  
30 per year for the total number of connections under the management of

1 the approved satellite agency. The department shall define by rule the  
2 meaning of the term "satellite system management agency." If a  
3 statutory definition of this term exists, then the department shall  
4 adopt by rule a definition consistent with the statutory definition.

5 (10) For purposes of this section, "group A public water system"  
6 and "system" mean those water systems with fifteen or more service  
7 connections, regardless of the number of people; or a system serving  
8 an average of twenty-five or more people per day for sixty or more days  
9 within a calendar year, regardless of the number of service  
10 connections.

11 **Sec. 21.** RCW 35.92.105 and 1981 c 273 s 1 are each amended to read  
12 as follows:

13 A city or town may issue revenue bonds or (~~warrants~~) other  
14 evidences of indebtedness in the manner provided by this chapter for  
15 the purpose of defraying the cost of financing programs for the  
16 conservation or more efficient use of energy or water. The bonds or  
17 (~~warrants~~) other evidences of indebtedness shall be deemed to be for  
18 capital purposes within the meaning of the uniform system of accounts  
19 for municipal corporations.

20 NEW SECTION. **Sec. 22.** Sections 1 and 3 through 6 of this act  
21 shall constitute a new chapter in Title 90 RCW.