

1 **ESSB 5773** - H COMM AMD

2 By Committee on Natural Resources & Parks

3 On page 1, strike everything after the enacting clause and
4 insert the following:

5 "NEW SECTION. **Sec. 1.** RCW 19.27.097 and 1991 sp.s. c 32 s 28
6 are each amended to read as follows:

7 (1) Each applicant for a building permit of a building
8 necessitating potable water shall provide evidence of an adequate
9 water supply for the intended use of the building. Evidence may be
10 in the form of a water right permit from the department of ecology,
11 a letter from an approved water purveyor stating the ability to
12 provide water, or another form sufficient to verify the existence
13 of an adequate water supply. In addition to other authorities, the
14 county or city (~~may~~) shall, after August 1, 1994, impose
15 conditions on building permits requiring connection to an existing
16 public water system where the existing system is (~~willing and~~)
17 able to provide safe and reliable potable water to the applicant
18 with reasonable economy and efficiency. The department of
19 community development shall, in consultation with the department of
20 health, with water purveyors and local governments, before August
21 1, 1994, develop criteria for determining what constitutes
22 reasonable economy and efficiency. An application for a water right
23 shall not be sufficient proof of an adequate water supply.

24 (2) Within counties not required or not choosing to plan
25 pursuant to RCW 36.70A.040, the county and the state may mutually
26 determine those areas in the county in which the requirements of
27 subsection (1) of this section shall not apply. The departments of
28 health and ecology shall coordinate on the implementation of this
29 section. Should the county and the state fail to mutually
30 determine those areas to be designated pursuant to this subsection,

1 the county may petition the department of community development to
2 mediate or, if necessary, make the determination.

3 (3) Buildings that do not need potable water facilities are
4 exempt from the provisions of this section. The department of
5 ecology, after consultation with local governments, may adopt rules
6 to implement this section, which may recognize differences between
7 high-growth and low-growth counties.

8 **Sec. 2.** RCW 43.20.050 and 1992 c 34 s 4 are each amended to
9 read as follows:

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

17 (a) At least every five years, the state board shall convene
18 regional forums to gather citizen input on health issues.

19 (b) Every two years, in coordination with the development of
20 the state biennial budget, the state board shall prepare the state
21 health report that outlines the health priorities of the ensuing
22 biennium. The report shall:

23 (i) Consider the citizen input gathered at the health forums;

24 (ii) Be developed with the assistance of local health
25 departments;

26 (iii) Be based on the best available information collected and
27 reviewed according to RCW 43.70.050 and recommendations from the
28 council;

29 (iv) Be developed with the input of state health care
30 agencies. At least the following directors of state agencies shall
31 provide timely recommendations to the state board on suggested
32 health priorities for the ensuing biennium: The secretary of

1 social and health services, the health care authority
2 administrator, the insurance commissioner, the administrator of the
3 basic health plan, the superintendent of public instruction, the
4 director of labor and industries, the director of ecology, and the
5 director of agriculture;

6 (v) Be used by state health care agency administrators in
7 preparing proposed agency budgets and executive request
8 legislation;

9 (vi) Be submitted by the state board to the governor by June
10 1 of each even-numbered year for adoption by the governor. The
11 governor, no later than September 1 of that year, shall approve,
12 modify, or disapprove the state health report.

13 (c) In fulfilling its responsibilities under this subsection,
14 the state board shall create ad hoc committees or other such
15 committees of limited duration as necessary. Membership should
16 include legislators, providers, consumers, bioethicists, medical
17 economics experts, legal experts, purchasers, and insurers, as
18 necessary.

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

21 (a) Adopt rules necessary to assure safe and reliable public
22 drinking water and to protect the public health. Such rules shall
23 establish requirements regarding:

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

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

29 (iii) Public water system management and reporting
30 requirements;

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

1 (v) Public water system operation and maintenance requirements
2 including a requirement that no public community water system
3 established after January 1, 1994, within the boundaries of an
4 urban growth area established under RCW 36.70A.110, be approved
5 unless it is owned or operated by a satellite system management
6 agency in accordance with the provisions set forth in RCW
7 70.116.134, and a requirement that no public community water system
8 established after January 1, 1994, outside of the boundaries of an
9 urban growth area be approved unless it is owned or operated by a
10 satellite system management agency in accordance with the
11 provisions set forth in RCW 70.116.134, where a satellite system is
12 available;

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

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

17 (b) Adopt rules and standards for prevention, control, and
18 abatement of health hazards and nuisances related to the disposal
19 of wastes, solid and liquid, including but not limited to sewage,
20 garbage, refuse, and other environmental contaminants; adopt
21 standards and procedures governing the design, construction, and
22 operation of sewage, garbage, refuse and other solid waste
23 collection, treatment, and disposal facilities;

24 (c) Adopt rules controlling public health related to
25 environmental conditions including but not limited to heating,
26 lighting, ventilation, sanitary facilities, cleanliness and space
27 in all types of public facilities including but not limited to food
28 service establishments, schools, institutions, recreational
29 facilities and transient accommodations and in places of work;

30 (d) Adopt rules for the imposition and use of isolation and
31 quarantine;

32 (e) Adopt rules for the prevention and control of infectious
33 and noninfectious diseases, including food and vector borne

1 illness, and rules governing the receipt and conveyance of remains
2 of deceased persons, and such other sanitary matters as admit of
3 and may best be controlled by universal rule; and

4 (f) Adopt rules for accessing existing data bases for the
5 purposes of performing health related research.

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

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

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

20 **Sec. 3.** RCW 90.44.050 and 1987 c 109 s 108 are each amended
21 to read as follows:

22 (1) After June 6, 1945, no withdrawal of public ground waters
23 of the state shall be begun, nor shall any well or other works for
24 such withdrawal be constructed, unless an application to
25 appropriate such waters has been made to the department and a
26 permit has been granted by it as herein provided(~~(:—EXCEPT,~~
27 ~~HOWEVER, That any withdrawal of public ground waters for stock-~~
28 ~~watering purposes, or for the watering of a lawn or of a~~
29 ~~noncommercial garden not exceeding one half acre in area, or for~~
30 ~~single or group domestic uses in an amount not exceeding five~~
31 ~~thousand gallons a day, or for an industrial purpose in an amount~~
32 ~~not exceeding five thousand gallons a day, is and shall be exempt~~

1 from the provisions of this section, but, to the extent that it is
2 regularly used beneficially, shall be entitled to a right equal to
3 that established by a permit issued under the provisions of this
4 chapter: PROVIDED, HOWEVER, That the department from time to time
5 may require the person or agency making any such small withdrawal
6 to furnish information as to the means for and the quantity of that
7 withdrawal: PROVIDED, FURTHER, That at the option of the party
8 making withdrawals of ground waters of the state not exceeding five
9 thousand gallons per day, applications under this section or
10 declarations under RCW 90.44.090 may be filed and permits and
11 certificates obtained in the same manner and under the same
12 requirements as is in this chapter provided in the case of
13 withdrawals in excess of five thousand gallons a day)).

14 (2) Notwithstanding the requirement set forth in subsection
15 (1) of this section, and subject to the provisions of subsection
16 (3) of this section, a withdrawal of public ground waters in an
17 amount not exceeding five thousand gallons per day for:

18 (a) Stockwatering purposes;

19 (b) The watering of a lawn or a noncommercial garden not
20 exceeding one-half acre in area;

21 (c) A single or group domestic use;

22 (d) An industrial purpose;

23 is and shall be exempt from the provisions of this section,
24 but, to the extent it is regularly used beneficially and in
25 conformance with all other applicable laws, is entitled to a right
26 equal to that established under the provisions of this chapter.

27 (3) Upon consultation with the appropriate general and special
28 purpose local governments, the department shall, by rule, designate
29 those areas where the exemption set forth in subsection (2) of this
30 section shall not be available. The department shall, in making
31 its determination and adopting its rules, use as guidance and be
32 consistent with, where applicable, the ground water management
33 plans created under RCW 90.44.400, regional plans as developed

1 under RCW 90.54.045, coordinated water system plans developed under
2 chapter 70.116 RCW, land use and growth management plans developed
3 under chapter 36.70A RCW, aquifer protection areas created under
4 chapter 36.36 RCW and critical water supply areas designated under
5 chapter 70.116 RCW. In selecting areas for designation under this
6 subsection, the department and the local government shall consider
7 the following: water availability; potential effects on existing
8 water rights and environmental resources; public health;
9 coordinated development and use of water resources; and population
10 densities and availability of alternate water sources. The
11 department shall consult with any federally recognized Indian
12 tribes within the affected area.

13 (4) The department may require the person or entity making a
14 withdrawal under this section to furnish information as to the
15 means for and the quantity of that withdrawal.

16 (5) At the option of the person or entity making a withdrawal
17 under this section, applications may be filed under RCW 90.44.090.