

HOUSE BILL REPORT

HB 1980

As Reported By House Committee On:
Natural Resources & Parks

Title: An act relating to public water supplies.

Brief Description: Modifying provisions regarding public waters.

Sponsors: Representatives R. Johnson and Pruitt.

Brief History:

Reported by House Committee on:
Natural Resources & Parks, March 3, 1993, DPS.

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Schoesler; Sheldon; Valle; and Wolfe.

Minority Report: Do not pass. Signed by 3 members: Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; and Thomas.

Staff: Linda Byers (786-7129).

Background:

Exemption for Withdrawals of Ground Water

Under current law, a person may not appropriate ground water unless that person holds a water right to do so. However, current law also provides an exemption from this requirement for withdrawals of groundwater for certain purposes. The purposes are specified in statute, and the withdrawal is for less than 5,000 gallons of water per day. This exemption applies statewide.

City and County Building Permits

An applicant for a building permit for a building where water is required must provide evidence that an adequate water supply has been provided for the building. A city or county may impose an additional condition on a building

permit, that is, the local jurisdiction may require connection of the building to an existing public water system. The local jurisdiction may only require connection if the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

The State Board of Health and Regulation of Drinking Water

The State Board of Health is required to adopt rules necessary to assure safe and reliable public drinking water. These rules establish a number of requirements for water systems, including design and construction standards for public water system facilities; drinking water quality standards, and public water system operation and maintenance requirements.

Summary of Substitute Bill:

Exemption for Withdrawals of Ground Water

The exemption remains for ground water withdrawals of 5,000 gallons per day for specific uses. However, the Department of Ecology is directed to determine by rule areas within urban growth areas established under the Growth Management Act where the ground water exemption shall not be available. In making its determination, the department is to use as guidance and be consistent with ground water management plans or other water management plans existing in the area.

Two new uses are added to the list of purposes to which the ground water exemption applies: aquaculture and agriculture. Only one well per farm may receive the exemption for an agricultural purpose.

City and County Building Permits

Cities and counties shall impose the condition through building permits that a building must be connected to an existing public water system, if the development is within the boundaries of urban growth areas established under the Growth Management Act. Cities and counties may impose this condition in other areas.

State Board of Health and Regulation of Drinking Water

In adopting rules regarding public water system operation and maintenance, the State Board of Health is directed to include a requirement that (1) no public community water system established after January 1, 1994, within an urban growth area be approved unless it is owned and operated by a satellite system management agency, and (2) no public

community water system established after January 1, 1994, outside these areas be approved unless it is owned and operated by a satellite system management agency, where such agencies are available.

Substitute Bill Compared to Original Bill: The substitute bill adds two new uses to the list of purposes qualifying for the ground water exemption: aquaculture and agriculture. In the substitute bill, the Department of Ecology may, rather than shall, require ground water monitoring. In the original bill, local governments may only impose the water hook-up condition if the existing public water system is "willing and able" to provide water. The substitute bill allows local governments to impose this condition if the existing public water system is "able" to provide water. The original bill required all new public water systems to be owned and operated by satellite system management agencies. The substitute bill requires that all new public community water systems within urban growth areas be owned and operated by satellite system management agencies; the requirement holds outside urban growth boundaries if a satellite system is available.

Fiscal Note: Requested March 4, 1993.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For (Original Bill): The bill addresses the important problem of the proliferation of wells and small water systems in the state. It offers a significant mechanism for dealing with this problem. Many small systems are not capable of the expenditures required for proper operation and maintenance of their systems. Required expenditures will increase in the future as a result of federal legislation. Many small systems are failing, and become the responsibility of the counties when they do. The bill only addresses new systems, not existing ones. Developers are taking advantage of the ground water exemption. If you are in an urban growth area, you should have a safe and reliable water system.

Testimony Against (Original Bill): If the ground water exemption is suddenly no longer available within an urban growth area, what happens to the people using the exemption? Existing systems may be able, but not willing, to add the new buildings to their systems. Requiring counties to do this could cause an administrative burden. There are areas where no satellite system management agencies exist. There should be some protection for new users in urban growth areas in the more rural counties. This bill could interfere

with a number of pending decisions about land use. Small systems are not necessarily bad.

Witnesses: Hedia Adelsman, Department of Ecology (pro); Dave Clark, Department of Health (pro); Judy Turpin, Washington Environmental Council (pro); Paul Parker, Washington State Association of Counties (pro, with reservations); Jan Teague, Building Industry Association of Washington (con); Mark Triplett, Washington Horticulture Association (con); and Kathleen Collins, Association of Washington Cities (pro).