

HOUSE BILL REPORT

ESSB 5773

As Reported By House Committee On:
Natural Resources & Parks

Title: An act relating to coordinated water resources programs.

Brief Description: Allowing counties to establish coordinated water resources programs.

Sponsors: Senate Committee on Energy & Utilities (originally sponsored by Senators Fraser and Barr).

Brief History:

Reported by House Committee on:
Natural Resources & Parks, March 31, 1993, DPA.

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass as amended. Signed by 6 members: Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Valle; and Wolfe.

Minority Report: Do not pass. Signed by 5 members: Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; Sheldon; and Thomas.

Staff: Linda Byers (786-7129).

Background:

County Water Resource Programs

At the county level, there are a number of different districts which may be established to deal with specific water resource issues. These include water and sewer districts, storm water districts, aquifer protection areas, and shellfish protection districts. Separate statutes direct the establishment, operation, and funding for each kind of district.

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 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.

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.

Summary of Amended Bill:

City and County Building Permits

After August 1, 1994, cities and counties will impose the condition on building permits requiring a building's connection to an existing public water system where the system is able to provide safe and reliable water with reasonable economy and efficiency. Prior to August 1, 1994, the Department of Community Development shall work in consultation with the Department of Health, water purveyors, and local governments to develop criteria for determining what constitutes "reasonable economy and efficiency."

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 no public community water system established after January 1, 1994 be approved unless it is owned or operated by a satellite system management agency. This same requirement applies outside of the boundaries of an urban growth area where a satellite system is available.

Exemption for Withdrawals of Ground Water

Exemptions remain for ground water withdrawals of 5,000 gallons per day for specific uses. However, upon consultation with the appropriate general and special purpose local governments, the Department of Ecology is to designate areas where the ground water exemption will not be available.

Amended Bill Compared to Engrossed Substitute Bill: The underlying bill allows the legislative authority of any county planning under the Growth Management Act to establish a coordinated water resources program and district. The amended bill is directed to city and county building permit requirements, Department of Health requirements on new public community water systems, and restriction of the use of the ground water exemption.

Fiscal Note: Available on original bill.

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

Testimony For: (Proposed striking amendment): The overall idea is to let counties adopt a coordinated approach to water resource management, using their existing authority only. The proposed striking amendment is drafted more narrowly than the underlying bill and with more specificity to meet this goal. A local advisory committee is a good idea. The striking amendment will allow counties to pool and coordinate their funds, which was the original intent of the bill. It is good to have the reduced fees for low income persons. It is fine to have counties provide information to the Department of Ecology about the use of the ground water exemption, but the county should not be the authority making that decision. It is important to deal with water issues in the near future. Small water systems are proliferating, and many of these systems are failing or will be unable to meet stringent new federal drinking water requirements. The Water Commission bill does not deal with these water issues tied to public health concerns.

Testimony Against: (Proposed striking amendment): The proposed striking amendment is broader, rather than narrower, in terms of county authority. While the coordinated districts may not include cities without the permission of the cities, they may include watershed areas owned or controlled by cities and unincorporated areas served by cities. There are no appropriate linkages to the Growth Management Act, and no options for cities to provide services. There is no mention of coordinated city and county health districts. A large municipal system could be

charged for withdrawals of ground water. The Water Commission will be looking at many of these issues, so passage of this coordinated program is premature. This bill would allow counties to co-mingle funds, which cities would never be allowed to do. The county could take money from one part of the county and use it in another. The satellite system management agency requirement is unreasonable. The groundwater exemption problem is important to address, but it should not be addressed in this session. Perhaps the new water system requirements should only be in urban growth areas. Some local governments would rather have an agreement, rather than a consultation, with the Department of Ecology over the ground water exemption. Conservation districts may lose some of their autonomy under a coordinated program.

Witnesses: Senator Karen Fraser, prime sponsor (in favor); Paul Parker, Washington State Association of Counties (in favor, with amendment); Linda Hoffman, Thurston County (in favor); Bob Mack, city of Seattle (opposed); Kathleen Collins, Association of Washington Cities (concerns with proposed striking amendment); Dave Clark, Department of Health (concurrs with concept); Dick Duchanne, Building Industry Association of Washington (opposed); Judy Turpin, Washington Environmental Council (in favor of sections 7-9); Dave Arbaugh, Washington P.U.D. Association (in favor); and Linda Arcuri, Washington Association of Conservation Districts (opposed).