

SENATE BILL REPORT

2SHB 2616

AS REPORTED BY COMMITTEE ON WAYS & MEANS, FEBRUARY 28, 1994

Brief Description: Directing the department of health to test ground water in order to seek waivers under the safe drinking water act.

SPONSORS: House Committee on Capital Budget (originally sponsored by Representatives Linville, Horn, Rust, Foreman, Kremen, B. Thomas, Roland, Van Luven, Basich, Karahalios, Holm, Hansen, L. Johnson, Peery, J. Kohl, Bray, Flemming, Pruitt, Edmondson, Forner, Valle, Shin, R. Meyers, Ogden, Dunshee, Wolfe, Sheldon, Jones, Brough, Sheahan, Romero, Chappell, Dyer, Springer, King, Cothorn and Long)

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

HOUSE COMMITTEE ON CAPITAL BUDGET

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Morton, Sutherland and Talmadge.

Staff: Cathy Baker (786-7708)

Hearing Dates: February 21, 1994; February 25, 1994

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Ecology & Parks.

Signed by Senators Rinehart, Chairman; Quigley, Vice Chairman; Bluechel, Gaspard, Hargrove, McDonald, Moyer, Niemi, Owen, Pelz, Roach, Snyder, Spanel, Talmadge and Wojahn.

Staff: Linda Brownell (786-7913)

Hearing Dates: February 28, 1994

BACKGROUND:

In 1991-92 the Department of Health surveyed public water systems covered by the federal Safe Drinking Water Act (SDWA) to determine the financial needs for the systems over the next several years. The assessment concluded that for the period between 1993-1999 there would be a combined capital need of \$2.22 billion. The assessment includes \$686 million for compliance with the federal SDWA, \$831 million for rehabilitation and replacement of existing infrastructure, and \$707 million for growth. The assessment concluded that 80

percent of the capital costs would be incurred by the large systems but that the costs are greater, on a proportional basis, for the smaller systems. Very small systems, down to 10 connections, may have monthly expenses of over \$50 per connection just to meet the monitoring and operational costs of the federal SDWA.

The federal SDWA allows three types of waivers from testing requirements. First, testing requirements can be waived if a water system can demonstrate to the Department of Health that its aquifer is geologically protected from contamination. Second, a water system can conduct tests to demonstrate the lack of contamination in that water system. Third, testing can be done on selected water systems over a large geographic area, such as a county. Those parts of the county that show low vulnerability to the substances being tested can be waived from full testing requirements. This type of waiver is known as an "area-wide" waiver. An area-wide waiver may be particularly beneficial to small water systems because relatively few water systems must be tested. Waivers typically last three years.

The Environmental Protection Agency (EPA) has recently updated and expanded its rule for pesticides as required by the federal SDWA. This rule will require local water systems to conduct tests for an increased number of pesticides every three years.

The local toxics account receives approximately \$21 million per year from a portion of the .7 percent tax on toxic substances. The account may be used only for grants to local governments to clean up contaminated sites, develop solid and hazardous waste plans, and implement these plans.

SUMMARY:

The Department of Health is directed to develop a voluntary program to test selected local public drinking water systems for pesticides covered by the EPA's drinking water rules. Public water systems identified as having a low vulnerability for pesticides are eligible for waivers from full testing requirements.

The Department of Health must pay all initial testing and programmatic costs and then recover these costs by June 30, 1995 from local systems that use the area-wide waiver. Fees charged to local systems are to be adjusted based on the size of the system but cannot vary by more than a factor of 10. The department is required to prepare a report to the appropriate standing committees of the Legislature on the number of waivers granted, the money saved by local systems, expected fee recovery timeline, and other information.

The eligible uses of the local toxics account are amended to allow the Department of Health to carry out its voluntary testing program. The department is required to fully reimburse the account by June 30, 1995.

The Department of Ecology may issue funds from the local toxics account as loans to local governments. A change is made to the account to clarify that all purposes under the solid and hazardous waste laws may be funded.

SUMMARY OF PROPOSED COMMITTEE AMENDMENT:

The provision of drinking water, including construction of delivery systems, is expressly included within the definition of "remedial action" under the Model Toxics Control Act. In conducting cleanups, enforcement actions against potentially liable parties (PLPs), and in making cleanup grants, the Department of Ecology is to give a high priority to sites which have caused the closure of drinking water wells or contaminated a drinking water supply, or pose a threat of closure or contamination.

Appropriation: none

Revenue: none

Fiscal Note: available

Effective Date: The bill contains an emergency clause and takes effect immediately.

TESTIMONY FOR (Ecology & Parks):

Area-wide waivers will provide significant cost savings to drinking water systems throughout the state, especially smaller systems. The bill will help alleviate the economic burdens placed on water systems by the federal Safe Drinking Water Act.

TESTIMONY AGAINST (Ecology & Parks): None

TESTIFIED (Ecology & Parks): PRO: Nelda Sigurdson, Whatcom County Water Assns.; Paul Larsen, WA Water Assns.; Bob Wiesen, WA Water Assns.; Roy Giles, WA Water Assns.; Ginny Stern, DOH; Dave Clark, DOH

TESTIMONY FOR (Ways & Means): None

TESTIMONY AGAINST (Ways & Means): None

TESTIFIED (Ways & Means): No one