
HOUSE BILL 1980

State of Washington

53rd Legislature

1993 Regular Session

By Representatives R. Johnson and Pruitt

Read first time 02/19/93. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to public water supplies; and amending RCW
2 90.44.050, 19.27.097, and 43.20.050.

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

4 **Sec. 1.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to
5 read as follows:

6 (1) After June 6, 1945, no withdrawal of public ground waters of
7 the state shall be begun, nor shall any well or other works for such
8 withdrawal be constructed, unless an application to appropriate such
9 waters has been made to the department and a permit has been granted by
10 it as herein provided(~~(:— EXCEPT, HOWEVER, That any withdrawal of~~
11 ~~public ground waters for stock-watering purposes, or for the watering~~
12 ~~of a lawn or of a noncommercial garden not exceeding one-half acre in~~
13 ~~area, or for single or group domestic uses in an amount not exceeding~~
14 ~~five thousand gallons a day, or for an industrial purpose in an amount~~
15 ~~not exceeding five thousand gallons a day, is and shall be exempt from~~
16 ~~the provisions of this section, but, to the extent that it is regularly~~
17 ~~used beneficially, shall be entitled to a right equal to that~~
18 ~~established by a permit issued under the provisions of this chapter:~~
19 ~~PROVIDED, HOWEVER, That the department from time to time may require~~

1 the person or agency making any such small withdrawal to furnish
2 information as to the means for and the quantity of that withdrawal:
3 PROVIDED, FURTHER, That at the option of the party making withdrawals
4 of ground waters of the state not exceeding five thousand gallons per
5 day, applications under this section or declarations under RCW
6 90.44.090 may be filed and permits and certificates obtained in the
7 same manner and under the same requirements as is in this chapter
8 provided in the case of withdrawals in excess of five thousand gallons
9 a day)).

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

14 (a) Stockwatering purposes;

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

17 (c) A single or group domestic use; or

18 (d) An industrial purpose;

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

23 (3) The department shall, by rule, determine those areas, within
24 the boundaries of urban growth areas established under RCW 36.70A.110,
25 where the exemption set forth in subsection (2) of this section shall
26 not be available. The department shall, in making its determination
27 and adopting its rules, use as guidance and be consistent with, where
28 applicable, the ground water management plans created under RCW
29 90.44.040, regional plans as developed under RCW 90.54.045, and
30 coordinated water system plans developed under chapter 70.116 RCW. The
31 department shall consult with local governments, and Indian tribes
32 within the affected area.

33 (4) The department shall require the person or entity making a
34 withdrawal under this section to furnish information as to the means
35 for and the quantity of that withdrawal.

36 (5) At the option of the person or entity making a withdrawal under
37 this section, applications or declarations may be filed under RCW
38 90.44.090.

1 **Sec. 2.** RCW 19.27.097 and 1991 sp.s. c 32 s 28 are each amended to
2 read as follows:

3 (1) Each applicant for a building permit of a building
4 necessitating potable water shall provide evidence of an adequate water
5 supply for the intended use of the building. Evidence may be in the
6 form of a water right permit from the department of ecology, a letter
7 from an approved water purveyor stating the ability to provide water,
8 or another form sufficient to verify the existence of an adequate water
9 supply. In addition to other authorities, the county or city (~~may~~)
10 shall impose conditions on building permits for developments within the
11 boundaries of urban growth areas established under RCW 36.70A.110, and
12 may impose conditions on building permits in other areas, requiring
13 connection to an existing public water system where the existing system
14 is willing and able to provide safe and reliable potable water to the
15 applicant with reasonable economy and efficiency. An application for
16 a water right shall not be sufficient proof of an adequate water
17 supply.

18 (2) Within counties not required or not choosing to plan pursuant
19 to RCW 36.70A.040, the county and the state may mutually determine
20 those areas in the county in which the requirements of subsection (1)
21 of this section shall not apply. The departments of health and ecology
22 shall coordinate on the implementation of this section. Should the
23 county and the state fail to mutually determine those areas to be
24 designated pursuant to this subsection, the county may petition the
25 department of community development to mediate or, if necessary, make
26 the determination.

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

32 **Sec. 3.** RCW 43.20.050 and 1992 c 34 s 4 are each amended to read
33 as follows:

34 (1) The state board of health shall provide a forum for the
35 development of health policy in Washington state. It is authorized to
36 recommend to the secretary means for obtaining appropriate citizen and
37 professional involvement in all health policy formulation and other
38 matters related to the powers and duties of the department. It is

1 further empowered to hold hearings and explore ways to improve the
2 health status of the citizenry.

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

5 (b) Every two years, in coordination with the development of the
6 state biennial budget, the state board shall prepare the state health
7 report that outlines the health priorities of the ensuing biennium.
8 The report shall:

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

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

11 (iii) Be based on the best available information collected and
12 reviewed according to RCW 43.70.050 and recommendations from the
13 council;

14 (iv) Be developed with the input of state health care agencies. At
15 least the following directors of state agencies shall provide timely
16 recommendations to the state board on suggested health priorities for
17 the ensuing biennium: The secretary of social and health services, the
18 health care authority administrator, the insurance commissioner, the
19 administrator of the basic health plan, the superintendent of public
20 instruction, the director of labor and industries, the director of
21 ecology, and the director of agriculture;

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

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

28 (c) In fulfilling its responsibilities under this subsection, the
29 state board shall create ad hoc committees or other such committees of
30 limited duration as necessary. Membership should include legislators,
31 providers, consumers, bioethicists, medical economics experts, legal
32 experts, purchasers, and insurers, as necessary.

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

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

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

4 (ii) Drinking water quality standards, monitoring requirements, and
5 laboratory certification requirements;

6 (iii) Public water system management and reporting requirements;

7 (iv) Public water system planning and emergency response
8 requirements;

9 (v) Public water system operation and maintenance requirements
10 including a requirement that no public water system established after
11 January 1, 1994, be approved unless it is owned and operated by a
12 satellite system management agency in accordance with the provisions
13 set forth in RCW 70.116.134;

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

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

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

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

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

33 (e) Adopt rules for the prevention and control of infectious and
34 noninfectious diseases, including food and vector borne illness, and
35 rules governing the receipt and conveyance of remains of deceased
36 persons, and such other sanitary matters as admit of and may best be
37 controlled by universal rule; and

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

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

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

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

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