

# HOUSE BILL REPORT

## E2SHB 1969

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**As Passed House**

March 15, 1997

**Title:** An act relating to regulation of public water systems.

**Brief Description:** Regulating public water systems.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Chandler and Regala; by request of Department of Health).

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 3/3/97 [DPS];

Appropriations: 3/8/97 [DP2S(w/o sub AGECE)].

**Floor Activity:**

Passed House: 3/15/97, 95-0.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

**Staff:** Bill Lynch (786-7092).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by 31 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk;

Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

**Staff:** Beth Redfield (786-7130).

**Background:** Group A water systems are generally required to have a certified operator. The Department of Health (DOH) is required to phase in the requirements for certified operators for public water systems with less than 100 connections in order to assure that there are enough certified operators available to serve these systems, and to give these systems time to obtain a certified operator. Changes in federal law may require all Group A water systems to have certified operators.

The DOH is required to develop and implement a voluntary program to allow public water systems to be waived from the full testing requirements for chemicals under the federal Safe Drinking Water Act (SDWA). There is no current authority for the DOH to operate a consolidated source monitoring program.

In 1995, the Legislature created a drinking water assistance account to allow the state to use federal funds that became available under the SDWA. The account is administered by the DOH and the Public Works Board (PWB) and is used to provide funding for water systems to assist them in providing safe drinking water. Money may only be expended from the account by the DOH or the PWB after appropriation. Congress approved funding under the SDWA in 1996, and implementing legislation is needed to distribute the funds on a timely basis.

**Summary of Bill:** The Department of Health (DOH) must require all Group A water systems to have a certified operator if it is necessary to conform to federal law, rules, or guidelines.

The DOH is authorized to monitor source water quality on a consolidated statewide basis, rather than by individual water systems, to allow public water systems to be waived from full federal testing requirements for chemicals.

Expenditures from the drinking water assistance account may only be made by the DOH, the Public Works Board (PWB), or the Department of Community, Trade and Economic Development (DCTED) after appropriation. The money may only be used to assure water systems provide safe drinking water and other activities authorized under federal law. Interest earned on the account, including repayments, remain in the account and may be used for eligible purposes.

The DOH and the PWB must establish and maintain a program to use moneys in the drinking water assistance account in accordance with provisions under the federal SDWA. The DOH, PWB, and DCTED must adopt final joint rules and requirements for providing financial assistance to public water systems in consultation with

purveyors and other affected and interested parties by January 1, 1999. Prior to this date, the DOH and the PWB may establish and use guidelines to ensure the quick disbursement of the funds. Any guidelines must be converted to rules by January 1, 1999. After December 31, 1998, any requirements must be established by rule. By December 15, 1997, the DOH and the PWB must report to the Legislature on the status of the program.

Any state agency participating in providing service under the drinking water assistance account must provide cost-effective and timely services. These mechanisms include (1) adopting federal guidelines by reference into rules; (2) using existing management mechanisms rather than creating new ones; (3) investigating the use of service contracts with governmental and nongovernmental service providers; (4) using joint or combined financial assistance applications; and (5) other methods designed to expedite the delivery of service and financial assistance.

The DOH shall determine assistance priorities and oversee activities related to the assistance other than financial administration.

After consulting with interested parties, the DOH, the PWB, and the DCTED must develop a memorandum of understanding setting forth the duties of each.

The PWB and the DOH shall begin making disbursements of funds from the drinking water assistance account no later than October 1, 1997.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (Agriculture & Ecology) This testimony is a product of one and one-half years of work by the full range of stakeholders. This allows implementation of the federal law and ensures that federal money is available to assist in providing safe and reliable drinking water.

(Appropriations) None.

**Testimony Against (original bill):** (Agriculture & Ecology) Agencies should use the rule-making process to ensure public participation. The language contained in the seller's disclosure statement is confusing and might not be necessary. Modifications to the seller's disclosure statement should be studied.

(Appropriations) None.

**Testified:** (Agriculture & Ecology) Alen Rowe, Department of Health (pro); Skip Richards, Water Supply Advisory Committee (pro); John Kounts, Washington Public Utility Department Association (pro); Glen Hudson, Washington Association of Realtors (con); Don Leaf, Washington State Association of Local Public Health Officials (pro); Pete Butkus, Department of Community, Trade and Economic Development and Public Works Board (pro); Scott Barr (concerns); Willy O'Neil, Association of General Contractors (pro w/amendments); and Dick Ducharme, Building Industry Association of Washington (amendments).

(Appropriations) None.