
SENATE BILL 6692

State of Washington 57th Legislature

2002 Regular Session

By Senators McCaslin and Swecker

Read first time 01/26/2002. Referred to Committee on Environment,
Energy & Water.

1 AN ACT Relating to enhancing the safety and quality of drinking
2 water in public drinking water systems; amending RCW 70.119A.060,
3 43.20.050, 70.142.010, and 57.08.012; prescribing penalties; and
4 providing an effective date.

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

6 **Sec. 1.** RCW 70.119A.060 and 1995 c 376 s 3 are each amended to
7 read as follows:

8 (1) In order to assure safe and reliable public drinking water and
9 to protect the public health, public water systems shall:

10 (a) Protect the water sources used for drinking water;

11 (b) Provide treatment adequate to assure that the public health is
12 protected;

13 (c) Provide and effectively operate and maintain public water
14 system facilities;

15 (d) Plan for future growth and assure the availability of safe and
16 reliable drinking water;

17 (e) Provide the department with the current names, addresses, and
18 telephone numbers of the owners, operators, and emergency contact
19 persons for the system, including any changes to this information, and

1 provide to users the name and twenty-four hour telephone number of an
2 emergency contact person; and

3 (f) Take whatever investigative or corrective action is necessary
4 to assure that a safe and reliable drinking water supply is
5 continuously available to users.

6 (2) No new public water system may be approved or created unless:

7 (a) It is owned or operated by a satellite system management agency
8 established under RCW 70.116.134 and the satellite system management
9 system complies with financial viability requirements of the
10 department; or (b) a satellite management system is not available and
11 it is determined that the new system has sufficient management and
12 financial resources to provide safe and reliable service. The approval
13 of any new system that is not owned by a satellite system management
14 agency shall be conditioned upon future management or ownership by a
15 satellite system management agency, if such management or ownership can
16 be made with reasonable economy and efficiency, or upon periodic review
17 of the system's operational history to determine its ability to meet
18 the department's financial viability and other operating requirements.
19 The department and local health jurisdictions shall enforce this
20 requirement under authority provided under this chapter, chapter
21 70.116, or 70.05 RCW, or other authority governing the approval of new
22 water systems by the department or a local jurisdiction.

23 (3) The department and local health jurisdictions shall carry out
24 the rules and regulations of the state board of health adopted pursuant
25 to RCW 43.20.050(2)(a) and 70.142.010, and other rules adopted by the
26 department relating to public water systems.

27 **Sec. 2.** RCW 43.20.050 and 1993 c 492 s 489 are each amended to
28 read as follows:

29 (1) The state board of health shall provide a forum for the
30 development of public health policy in Washington state. It is
31 authorized to recommend to the secretary means for obtaining
32 appropriate citizen and professional involvement in all public health
33 policy formulation and other matters related to the powers and duties
34 of the department. It is further empowered to hold hearings and
35 explore ways to improve the health status of the citizenry.

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

1 (b) Every two years, in coordination with the development of the
2 state biennial budget, the state board shall prepare the state public
3 health report that outlines the health priorities of the ensuing
4 biennium. The report shall:

5 (i) Consider the citizen input gathered at the forums;

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

7 (iii) Be based on the best available information collected and
8 reviewed according to RCW 43.70.050 (~~and recommendations from the~~
9 ~~council~~);

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

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

19 (vi) Be submitted by the state board to the governor by January 1
20 of each even-numbered year for adoption by the governor. The governor,
21 no later than March 1 of that year, shall approve, modify, or
22 disapprove the state public health report.

23 (c) In fulfilling its responsibilities under this subsection, the
24 state board may create ad hoc committees or other such committees of
25 limited duration as necessary.

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

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

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

34 (ii) Drinking water quality standards, monitoring requirements, and
35 laboratory certification requirements;

36 (iii) Products, substances, or chemicals added to public water
37 systems as defined in RCW 70.119A.020, for the purpose of treating or
38 affecting the physical or mental functions of the body of any person,
39 rather than to make the water safe or potable;

1 (iv) Public water system management and reporting requirements;
2 (~~(iv)~~) (v) Public water system planning and emergency response
3 requirements;
4 (~~(v)~~) (vi) Public water system operation and maintenance
5 requirements;
6 (~~(vi)~~) (vii) Water quality, reliability, and management of
7 existing but inadequate public water systems; and
8 (~~(vii)~~) (viii) Quality standards for the source or supply, or
9 both source and supply, of water for bottled water plants.

10 (b) Adopt rules and standards for prevention, control, and
11 abatement of health hazards and nuisances related to the disposal of
12 wastes, solid and liquid, including but not limited to sewage, garbage,
13 refuse, and other environmental contaminants; adopt standards and
14 procedures governing the design, construction, and operation of sewage,
15 garbage, refuse and other solid waste collection, treatment, and
16 disposal facilities;

17 (c) Adopt rules controlling public health related to environmental
18 conditions including but not limited to heating, lighting, ventilation,
19 sanitary facilities, cleanliness and space in all types of public
20 facilities including but not limited to food service establishments,
21 schools, institutions, recreational facilities and transient
22 accommodations and in places of work;

23 (d) Adopt rules for the imposition and use of isolation and
24 quarantine;

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

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

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

34 (4) All local boards of health, health authorities and officials,
35 officers of state institutions, police officers, sheriffs, constables,
36 and all other officers and employees of the state, or any county, city,
37 or township thereof, shall enforce all rules adopted by the state board
38 of health. In the event of failure or refusal on the part of any
39 member of such boards or any other official or person mentioned in this

1 section to so act, he shall be subject to a fine of not less than fifty
2 dollars, upon first conviction, and not less than one hundred dollars
3 upon second conviction.

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

6 **Sec. 3.** RCW 70.142.010 and 1984 c 187 s 1 are each amended to read
7 as follows:

8 (1) In order to protect public health from chemical contaminants in
9 drinking water, the state board of health shall conduct public hearings
10 and, where technical data allow, establish by rule standards for
11 allowable concentrations. For purposes of this chapter, the words
12 "chemical contaminants" are limited to synthetic organic chemical
13 contaminants and to any other contaminants which in the opinion of the
14 board constitute a threat to public health. If adequate data to
15 support setting of a standard is available, the state board of health
16 shall adopt by rule a maximum contaminant level for water provided to
17 consumers' taps. Standards set for contaminants known to be toxic
18 shall consider both short-term and chronic toxicity. Standards set for
19 contaminants known to be carcinogenic shall be consistent with risk
20 levels established by the state board of health.

21 (2) The board shall consider the best available scientific
22 information in establishing the standards. The board may review and
23 revise the standards. State and local standards for chemical
24 contaminants may be more strict than the federal standards.

25 (3)(a) In order to protect public health from other additives in
26 drinking water, the state board of health shall adopt by rule standards
27 for any product, substance, or chemical that is added or proposed to be
28 added to a public water system as defined in RCW 70.119A.020(4), for
29 the purpose of treating or affecting the physical or mental functions
30 of the body of any person, rather than to make the water safe or
31 potable. The board shall not adopt standards for any such product,
32 substance, or chemical unless: (i) It has been specifically approved
33 by the federal food and drug administration for safety and
34 effectiveness with a margin of safety that is protective for all
35 adverse health and cosmetic effects at all ranges of unrestricted
36 consumption; and (ii) it contains no contaminants, at concentrations
37 that exceed federal maximum contaminant level goals or state public
38 health goals, when used at maximum use levels.

1 (b) It is be unlawful for any person to add a product, substance,
2 or chemical to a public water system for the purpose of treating or
3 affecting the physical or mental functions of the body of any person,
4 unless the standards for the product, substance, or chemical have been
5 adopted by the state board of health. A violation of this subsection
6 (3) is a misdemeanor punishable under chapter 9A.20 RCW.

7 **Sec. 4.** RCW 57.08.012 and 1988 c 11 s 2 are each amended to read
8 as follows:

9 Subject to RCW 70.142.010, a water district by a majority vote of
10 its board of commissioners may fluoridate the water supply system of
11 the water district. The commissioners may cause the proposition of
12 fluoridation of the water supply to be submitted to the electors of the
13 water district at any general election or special election to be called
14 for the purpose of voting on the proposition. The proposition must be
15 approved by a majority of the electors voting on the proposition to
16 become effective.

17 NEW SECTION. **Sec. 5.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2002.

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