
SENATE BILL 5364

State of Washington

62nd Legislature

2011 Regular Session

By Senators Swecker, Pridemore, Fraser, Nelson, Honeyford, Shin, and Morton; by request of Department of Health

Read first time 01/21/11. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to public water system operating permits; and
2 amending RCW 70.119A.110.

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

4 **Sec. 1.** RCW 70.119A.110 and 2003 1st sp.s. c 5 s 18 are each
5 amended to read as follows:

6 (1) No person may operate a group A public water system unless the
7 person first submits an application to the department and receives an
8 operating permit as provided in this section. A new application must
9 be submitted upon any change in ownership of the system. ((Any person
10 operating a public water system on July 28, 1991, may continue to
11 operate the system until the department takes final action, including
12 any time necessary for a hearing under subsection (3) of this section,
13 on a permit application submitted by the person operating the system
14 under the rules adopted by the department to implement this section.))

15 (2) The department may require that each application include the
16 information that is reasonable and necessary to determine that the
17 system complies with applicable standards and requirements of the
18 federal safe drinking water act, state law, and rules adopted by the
19 department or by the state board of health.

1 (3) Following its review of the application, its supporting
2 material, and any information received by the department in its
3 investigation of the application, the department shall issue or deny
4 the operating permit. The department shall act on initial permit
5 applications as expeditiously as possible, and shall in all cases
6 either grant or deny the application within one hundred twenty days of
7 receipt of the application or of any supplemental information required
8 to complete the application. The applicant for a permit shall be
9 entitled to file an appeal in accordance with chapter 34.05 RCW if the
10 department denies the initial or subsequent applications or imposes
11 conditions or requirements upon the operator. Any operator of a public
12 water system that requests a hearing may continue to operate the system
13 until a decision is issued after the hearing.

14 (4) At the time of initial permit application or at the time of
15 permit renewal the department may impose such permit conditions,
16 requirements for system improvements, and compliance schedules as it
17 determines are reasonable and necessary to ensure that the system will
18 provide a safe and reliable water supply to its users.

19 (5) Operating permits shall be issued for a term of one year, and
20 shall be renewed annually, unless the operator fails to apply for a new
21 permit or the department finds good cause to deny the application for
22 renewal.

23 (6) Each application shall be accompanied by an annual fee (~~as~~
24 ~~follows:~~

25 ~~(a) The annual fee for public water supply systems serving fifteen~~
26 ~~to forty nine service connections shall be twenty five dollars.~~

27 ~~(b) The annual fee for public water supply systems serving fifty to~~
28 ~~three thousand three hundred thirty three service connections shall be~~
29 ~~based on a uniform per service connection fee of one dollar and fifty~~
30 ~~cents per service connection.~~

31 ~~(c) The annual fee for public water supply systems serving three~~
32 ~~thousand three hundred thirty four to fifty three thousand three~~
33 ~~hundred thirty three service connections shall be based on a uniform~~
34 ~~per service connection fee of one dollar and fifty cents per service~~
35 ~~connection plus ten cents for each service connection in excess of~~
36 ~~three thousand three hundred thirty three service connections.~~

37 ~~(d) The annual fee for public water supply systems serving fifty-~~

1 ~~three thousand three hundred thirty four or more service connections~~
2 ~~shall be ten thousand dollars.~~

3 ~~(e) In addition to the fees under (a) through (d) of this~~
4 ~~subsection, the department may charge an additional one-time fee of~~
5 ~~five dollars for each service connection in a new water system.~~

6 ~~(f) Until June 30, 2007, in addition to the fees under (a) through~~
7 ~~(e) of this subsection, the department may charge municipal water~~
8 ~~suppliers, as defined in RCW 90.03.015, an additional annual fee~~
9 ~~equivalent to twenty-five cents for each residential service connection~~
10 ~~for the purpose of funding the water conservation activities in RCW~~
11 ~~70.119A.180)).~~

12 (7) The department shall adopt rules, in accordance with chapter
13 34.05 RCW, necessary to implement this section.

14 (8) The department shall establish by rule categories of annual
15 operating permit fees based on system size, complexity, and number of
16 service connections. Fees charged must be sufficient to cover, but may
17 not exceed, the costs to the department of administering a program for
18 safe and reliable drinking water. ((7)) The department may phase-in
19 ((the)) implementation of the annual fee for any group of systems
20 provided the schedule for implementation is established by rule.
21 ((Prior to implementing the operating permit requirement on water
22 systems having less than five hundred service connections, the
23 department shall form a committee composed of persons operating these
24 systems. The committee shall be composed of the department of health,
25 two operators of water systems having under one hundred connections,
26 two operators of water systems having between one hundred and two
27 hundred service connections, two operators of water systems having
28 between two hundred and three hundred service connections, two
29 operators of water systems having between three hundred and four
30 hundred service connections, two operators of water systems having
31 between four hundred and five hundred service connections, and two
32 county public health officials. The members shall be chosen from
33 different geographic regions of the state. This committee shall
34 develop draft rules to implement this section. The draft rules will
35 then be subject to the rule-making procedures in accordance with
36 chapter 34.05 RCW.

37 ((8)) (9) The department shall notify existing public water systems
38 of the requirements of RCW 70.119A.030, 70.119A.060, and this section

1 at least one hundred twenty days prior to the date that an application
2 for a permit is required pursuant to RCW 70.119A.030, 70.119A.060, and
3 this section.

4 ~~((+9))~~ (10) The department shall issue one operating permit to any
5 approved satellite system management agency. Operating permit fees for
6 approved satellite system management agencies ~~((shall be one dollar per
7 connection per year for the total number of connections under the
8 management of the approved satellite agency. The department shall
9 define by rule the meaning of the term "satellite system management
10 agency." If a statutory definition of this term exists, then the
11 department shall adopt by rule a definition consistent with the
12 statutory definition))~~ must be established by the department by rule.

13 ~~((+10))~~ (11) For purposes of this section, "group A public water
14 system" and "system" mean those water systems with fifteen or more
15 service connections, regardless of the number of people; or a system
16 serving an average of twenty-five or more people per day for sixty or
17 more days within a calendar year, regardless of the number of service
18 connections.

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