

HOUSE BILL REPORT

SSB 6060

As Reported by House Committee On:
Local Government

Title: An act relating to public water systems.

Brief Description: Concerning certain public water systems.

Sponsors: Senate Committee on Governmental Operations (originally sponsored by Senators Angel, Bailey, Schoesler and Roach).

Brief History:

Committee Activity:

Local Government: 2/24/14, 2/26/14 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Modifies the public participation requirements of the Growth Management Act by establishing new notification provisions related to Group A public water systems.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 7 members: Representatives Takko, Chair; Gregerson, Vice Chair; Kochmar, Assistant Ranking Minority Member; Farrell, Fitzgibbon, Pike and Springer.

Minority Report: Do not pass. Signed by 2 members: Representatives Overstreet, Ranking Minority Member; Taylor.

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act - Introduction.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA

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establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for the 29 counties and the cities within that are obligated by mandate or choice to satisfy all planning requirements of the GMA.

The GMA directs planning jurisdictions (jurisdictions that fully plan under the GMA) to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must include specific planning elements, each of which is a subset of a comprehensive plan. Planning jurisdictions must implement comprehensive plans through locally adopted development regulations that conform to the plan.

The GMA also establishes 14 planning goals in a nonprioritized list that must be used exclusively for guiding the development and adoption of comprehensive plans and development regulations. Examples of the topics addressed by the planning goals include:

- urban growth – encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner;
- reduce sprawl – reduce the inappropriate conversion of undeveloped land into sprawling, low-density development; and
- citizen participation and coordination – encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Public Participation Requirements.

In addition to the citizen participation and coordination goal of the GMA, each planning jurisdiction is required to establish and broadly disseminate to the public a public participation program that identifies procedures providing for early and continuous public participation in the development and amendment of comprehensive plans and development regulations. The procedures are required to satisfy several requirements, including providing for: broad dissemination of proposals and alternatives; opportunities for written comments; and considerations of and responses to public comments.

The GMA also specifies that public participation requirements must include procedures that are reasonably calculated to provide notice of proposed amendments to comprehensive plans and development regulations to:

- property owners and other affected and interested individuals;
- tribes;
- government agencies;
- businesses;
- school districts; and
- organizations.

Examples of reasonable notice provisions are as specified in statute and include:

- posting the property for site-specific proposals;
- publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located or that will be affected by the proposal;
- notifying public or private groups with a known interest in a certain proposal or in the type of proposal being considered; and

- publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

Public Water Systems.

Public water systems have separate statutory classifications and regulatory requirements. A Group A public water system is:

- a public water system with 15 or more service connections, regardless of the number of people;
- a system serving an average of 25 or more people per day for 60 or more days within a calendar year, regardless of the number of service connections; or
- a system serving 1,000 or more people for two or more consecutive days.

The Washington State Board of Health (WASBOH) adopts rules for Group A public water systems that are intended to assure safe and reliable public drinking water, and to protect the public health. The rules include requirements pertaining to specific topics, including the design and construction of public water system facilities, drinking water quality standards, and public water system planning and emergency response requirements.

Summary of Amended Bill:

The list of persons and entities that public participation requirements of the GMA must, through notice procedures, be reasonably calculated to provide notice of proposed amendments to comprehensive plans and development regulations is expanded to include publically owned Group A public water systems that are required to develop water system plans that are consistent with administrative rules adopted by the WASBOH.

Amended Bill Compared to Substitute Bill:

The amended bill limits the notification provisions of the underlying bill that apply to all Group A public water systems that must submit specified water system plans, to only *publically-owned* Group A public water systems that must submit specified water system plans.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill, which is the latest version in previous and ongoing attempts to address notification issues, is narrower than previous proposals. The GMA planning process often

proceeds without notice to water systems, but more than 5.5 million Washingtonians, 85 percent of the state's population, receive their water from Group A and B water systems. Of those water systems, some are required to submit water plans to the Department of Health (DOH). Water utilities are not given a seat at the planning table. Under this bill, water systems that are required to submit system plans to the DOH must receive notice of proposed comprehensive plan and development regulations. This is a simple, but important notification bill.

This bill will help ensure that public water supply is available for citizens and businesses. This bill will improve communication and will help ensure that the data used by water systems for plan development are relevant to the plan. This bill will also help to make sure that the developed plan is efficient. The bill is a very basic notification bill; it passed the Senate 47-0, and it will make things easier for everyone.

(Opposed) None.

Persons Testifying: Senator Angel, prime sponsor; Marc Marcantonio, Water Cooperative of Pierce County; and Jeff Johnson, Spanaway Water Company.

Persons Signed In To Testify But Not Testifying: None.