

# HOUSE BILL REPORT

## E2SHB 2061

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### As Passed Legislature

**Title:** An act relating to authorizing county legislative authorities to approve certain group B water systems based upon their delivery of water meeting safe drinking water standards.

**Brief Description:** Authorizing county legislative authorities to approve certain group B water systems based upon their delivery of water meeting safe drinking water standards.

**Sponsors:** House Committee on Environment (originally sponsored by Representatives Short and Kretz).

#### Brief History:

##### Committee Activity:

Environment: 2/16/15, 2/19/15 [DPS], 1/19/16 [DP2S].

##### Floor Activity:

Passed House: 2/16/16, 70-27.

Senate Amended.

Passed Senate: 3/2/16, 28-19.

House Concurred.

Passed House: 3/7/16, 75-21.

Passed Legislature.

#### Brief Summary of Engrossed Second Substitute Bill

- Authorizes some county legislative authorities to approve Group B public water systems with nine or fewer connections based on the quality of the water the system delivers rather than on the quality of the raw groundwater source.
- Limits the authority to approve Group B public water systems to counties with fewer than 50,000 residents in Eastern Washington that border Canada, and terminates those counties' authority to approve Group B public water systems in 2021.

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### HOUSE COMMITTEE ON ENVIRONMENT

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 10 members: Representatives Fitzgibbon, Chair; Peterson,

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye, Farrell, Fey, Goodman, McBride and Pike.

**Minority Report:** Do not pass. Signed by 1 member: Representative Taylor.

**Staff:** Jacob Lipson (786-7196).

**Background:**

Under state law, public water systems are divided into two categories: Group A and Group B public water systems. Group A systems are public water systems that meet one of three criteria:

- feature 15 or more service connections;
- serve an average of 25 or more people per day for at least 60 days a year, regardless of the number of service connections; or
- serve 1,000 or more people for two consecutive days.

Group B systems encompass all other public water systems.

The Department of Health (Department) began implementing a new rule covering Group B systems that took effect in January 2014, and that was adopted by the Washington State Board of Health (Board of Health). Under this rule, local health jurisdictions may adopt and implement their own Group B system regulations, so long as they are no less stringent than the Department's rules.

Under the 2014 rule, the Department or a local health jurisdiction must approve a Group B system's design and groundwater source prior to new or expanded system operation. In order to meet groundwater source requirements in the rule, a Group B system must draw from a source that does not show a presence of coliform bacteria or exceed a maximum contaminant level for certain water pollutants, including arsenic, nitrate, and mercury. For certain other contaminants, such as iron and zinc, the Department's rules allow the Group B system to treat a raw groundwater source that exceeds the maximum contaminant level, so long as the water delivered to consumers does not exceed the maximum contaminant level.

Private water wells are not subject to the Department's water quality regulations that apply to group B public water systems. Instead, the construction and maintenance of private water wells are subject to regulation by the Department of Ecology, which has adopted water quality rules that allow Department or local health authorities to require that wells be tested for fecal coliform or other specific contaminants prior to the use of the well.

The Washington Constitution provides for two forms of county government: (1) a "commission" form to be established through general laws by the Legislature; and (2) a "home rule" charter form, which any county may choose to adopt. In counties with a commission form of government, the legislative body must be the three-member board of elected commissioners; in home rule counties, the legislative authority may be an elected council.

**Summary of Engrossed Second Substitute Bill:**

Irrespective of the Board of Health's Group B system rules, certain county legislative authorities may approve the operation of certain Group B systems that provide service to nine or fewer connections. This authority to approve Group B systems is limited to county legislative authorities in counties of less than 50,000 residents that are located east of the crest of the Cascade Mountains and that border Canada.

In order for a Group B system to seek approval from the county legislative authority to expand or begin operating, the Group B system must demonstrate that the water provided by the system meets, at the point of water delivery, the same water quality and contaminant standards that apply to private water wells located in the county. In addition, in order for a Group B system to be eligible for approval by a county legislative authority, the raw groundwater source of the Group B system must not meet water quality standards. A Group B system that was initially authorized under state rules may receive approval from the county legislative authority to expand to up to nine connections if the system uses a raw groundwater source that does not meet local water quality standards. Prior receiving county approval, the Group B system must also review alternative sources of water, such as rainwater collection or truck and storage systems, and must share that review with the county. The county may require Group B system treatment of alternative water sources.

By December 15 of each year, Group B systems approved by the county legislative authority must submit test results to the county and the system's customers demonstrating that the potable water delivered by the system meets local potable water standards. If a local health jurisdiction requests to receive water test results submitted by a Group B system, the county legislative authority must share the results with the local health jurisdiction. The county legislative authority must designate a point of contact for Group B system issues, and the county and Group B system must provide notice to each other if the point of contact or system operator or owner changes.

Counties that authorize Group B public water systems must submit a report to the Legislature by January 15, 2019. The report must address:

- the number of Group B systems and connections that the county approved after January 1, 2016;
- the annual water quality test results from Group B systems, and analysis of whether those test results meet water quality standards; and
- the identification of any water contaminants and associated treatments used by the Group B system.

The authority for a county legislative authority to approve a Group B system is terminated as of January 1, 2021.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

See House Bill Report in the 2015 Legislative Session.

**Persons Testifying:** See House Bill Report in the 2015 Legislative Session.

**Persons Signed In To Testify But Not Testifying:** None.