

# SENATE BILL REPORT

## E2SHB 2061

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As Reported by Senate Committee On:  
Energy, Environment & Telecommunications, February 25, 2016

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

**Committee Activity:** Energy, Environment & Telecommunications: 2/24/16, 2/25/16 [DP, DNP].

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### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Majority Report:** Do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Braun, Brown and Honeyford.

**Minority Report:** Do not pass.

Signed by Senators McCoy, Ranking Minority Member; Cleveland, Habib and Ranker.

**Staff:** Jan Odano (786-7486)

**Background:** Drinking water systems are categorized by the number of service connections and people served. Group A water systems have 15 or more service connections, or regularly serve 25 or more people for 60 or more days per year and must adhere to federal Safe Drinking Water Act water quality, reporting, and monitoring requirements. These systems must have an annual operating permit and are subject to comprehensive monitoring requirements.

The State Board of Health (SBOH) adopts rules for Group B drinking water systems, which have less than 15 service connections and serve fewer than 25 people per day. The Department of Health (DOH) administers drinking water programs and is responsible for program elements for primary enforcement. DOH administers requirements for Group B drinking water systems unless an LHJ has adopted rules that are at least as stringent as the

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rules adopted by SBOH. DOH or an LHJ must approve Group B system design and groundwater source prior to new or expanded system operations. Groundwater source approval is dependent on contaminant levels that do not show a presence of coliform bacteria and do not exceed a maximum contaminant level for certain water pollutants such as arsenic, nitrates, and mercury. Other contaminants, such as zinc, and iron, may exceed the maximum level in the raw groundwater as long as the water delivered to the consumer does not exceed the maximum level.

County governments under the Washington State Constitution may be one of two forms: (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 Bill:** Until January 1, 2021, certain county legislative authorities east of the Cascade mountains sharing a border with Canada and with a population of less than 50,000 residents may approve operations of Group B water systems serving less than 9 connections, if the raw groundwater source does not meet local water quality standards and the system has provided evidence that the water delivered to the consumer meets local potable water quality standards.

Prior to approval, the Group B water system must review alternative sources of water and share the review with its owners and the county. Alternate sources of water include rainwater collection, truck and storage systems, or other nontraditional conveyance methods. The water system may be required to treat alternate sources of water.

A Group B water system must provide test results demonstrating the water delivered meets local potable water standards to the county legislative authority by December 15th of each year. The county legislative authority must provide test results to the LHJ when requested.

The county legislative authority may approve Group B water system that has been authorized by DOH or an LHJ to expand to up to 9 connections.

The county legislative authority must have at least one county employee as a point of contact for questions and issues relating to Group B water systems.

Notice of the county point of contact must be provided by the county legislative authority to the Group B water system owner or operator when the system is approved. The county legislative authority and Group B water system must notify each other when there is a change in ownership, operator or point of contact.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The local legislative authority are on the local board of health and the county commissioners work very closely them. There is a two tiered system where you can work with DOH through a MOU when the well already meets water quality standards. A local well that does not meet water quality standards is not eligible to work with DOH. The other option gives the LHJ regulations and fee setting authority. In a small county, the fees will not sustain a program and it becomes an unfunded mandate. This bill is for systems that don't meet water quality standards but they must still abide by the water testing and provide the results showing the water meets drinking water standards. The current regulatory pathway does not allow for local governments to do this. Local elected officials tried to work with DOH and it was turned into a petition for a new rule. There has been no action, so we feel we need this bill. Businesses are on hold until they have safe water. We don't want to circumvent the system. We're trying to do this in an affordable way and to make sure everyone gets safe drinking water.

CON: Until 2011, DOH had a Group B water system program with \$500,000 GFS. Because of tight fiscal climate, the SBOH and DOH was tasked to revise the program to reduce costs. We worked with LHJs, constituents and stakeholders to develop new rules. The program is now solely fund by fees. The new rules are founded on 3 principles, strong design standards using low risk sources, providing local option oversight and flexibility to adopt local rules to fit local circumstances, and education of consumers and using the best public health practices without the force of rule. The bill eliminates core public health standards as well as eliminating the local health officer from the process. They are responsible for responding to disease outbreaks. Moving these high risk systems away from the LHJs is a big concern. These are the highest risk systems, which account almost all of the failures and compliance concerns. It is unclear as to what the local water quality standards. Locals could adopt new less protective of public health and lower design system requirements. There are no notification requirements to system users. The safety and reliability of drinking water is trumped by other concerns, such as Flint Michigan, while the scale is much larger there, these water systems are at the highest risk of failure. These high risk systems present over 90% of failures, yet serve less than 10% of the population.

**Persons Testifying:** PRO: Rep. Short, Prime Sponsor, Wes McCart, Stevens County Commissioner.

CON: Clark Halvorson, WA Department of Health.

**Persons Signed In To Testify But Not Testifying:** No one.