
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2061

AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

State of Washington **64th Legislature** **2016 Regular Session**

By House Environment (originally sponsored by Representatives Short and Kretz)

READ FIRST TIME 01/21/16.

1 AN ACT Relating to authorizing county legislative authorities to
2 approve certain group B water systems based upon their delivery of
3 water meeting safe drinking water standards; amending RCW 43.20.050;
4 and adding a new section to chapter 36.01 RCW.

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

6 **Sec. 1.** RCW 43.20.050 and 2011 c 27 s 1 are each amended to read
7 as follows:

8 (1)(a) The state board of health shall provide a forum for the
9 development of public health policy in Washington state. It is
10 authorized to recommend to the secretary means for obtaining
11 appropriate citizen and professional involvement in all public health
12 policy formulation and other matters related to the powers and duties
13 of the department. It is further empowered to hold hearings and
14 explore ways to improve the health status of the citizenry.

15 (b) In fulfilling its responsibilities under this subsection, the
16 state board may create ad hoc committees or other such committees of
17 limited duration as necessary.

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

20 (a) Adopt rules for group A public water systems, as defined in
21 RCW 70.119A.020, necessary to ((assure)) ensure safe and reliable

1 public drinking water and to protect the public health. Such rules
2 shall establish requirements regarding:

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

6 (ii) Drinking water quality standards, monitoring requirements,
7 and laboratory certification requirements;

8 (iii) Public water system management and reporting requirements;

9 (iv) Public water system planning and emergency response
10 requirements;

11 (v) Public water system operation and maintenance requirements;

12 (vi) Water quality, reliability, and management of existing but
13 inadequate public water systems; and

14 (vii) Quality standards for the source or supply, or both source
15 and supply, of water for bottled water plants;

16 (b)(i) Adopt rules as necessary for group B public water systems,
17 as defined in RCW 70.119A.020. The rules shall, at a minimum,
18 establish requirements regarding the initial design and construction
19 of a public water system. The state board of health rules may waive
20 some or all requirements for group B public water systems with fewer
21 than five connections.

22 (ii) Irrespective of the rules adopted pursuant to (b)(i) of this
23 subsection and consistent with section 2 of this act, until January
24 1, 2021, a county legislative authority of a county east of the crest
25 of the Cascade mountains that is contiguous with the border with
26 Canada and that has a population of less than fifty thousand
27 residents may act to approve the operation of a group B public water
28 system, as defined in RCW 70.119A.020, serving nine or fewer
29 connections. A county legislative authority may choose to seek the
30 advice of a local health jurisdiction, as defined in RCW 70.119A.020,
31 in determining whether to approve the operation of a group B public
32 water system under this section;

33 (c) Adopt rules and standards for prevention, control, and
34 abatement of health hazards and nuisances related to the disposal of
35 human and animal excreta and animal remains;

36 (d) Adopt rules controlling public health related to
37 environmental conditions including but not limited to heating,
38 lighting, ventilation, sanitary facilities, and cleanliness in public
39 facilities including but not limited to food service establishments,
40 schools, recreational facilities, and transient accommodations;

1 (e) Adopt rules for the imposition and use of isolation and
2 quarantine;

3 (f) Adopt rules for the prevention and control of infectious and
4 noninfectious diseases, including food and vector borne illness, and
5 rules governing the receipt and conveyance of remains of deceased
6 persons, and such other sanitary matters as may best be controlled by
7 universal rule; and

8 (g) Adopt rules for accessing existing databases for the purposes
9 of performing health related research.

10 (3) The state board shall adopt rules for the design,
11 construction, installation, operation, and maintenance of those
12 on-site sewage systems with design flows of less than three thousand
13 five hundred gallons per day.

14 (4) The state board may delegate any of its rule-adopting
15 authority to the secretary and rescind such delegated authority.

16 (5) All local boards of health, health authorities and officials,
17 officers of state institutions, police officers, sheriffs,
18 constables, and all other officers and employees of the state, or any
19 county, city, or township thereof, shall enforce all rules adopted by
20 the state board of health. In the event of failure or refusal on the
21 part of any member of such boards or any other official or person
22 mentioned in this section to so act, he or she shall be subject to a
23 fine of not less than fifty dollars, upon first conviction, and not
24 less than one hundred dollars upon second conviction.

25 (6) The state board may advise the secretary on health policy
26 issues pertaining to the department of health and the state.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.01
28 RCW to read as follows:

29 (1)(a) The county legislative authority of a county east of the
30 crest of the Cascade mountains that is contiguous with the border
31 with Canada and that has a population of less than fifty thousand
32 residents may act to approve the operation of a group B public water
33 system, as defined in RCW 70.119A.020, serving nine or fewer
34 connections if:

35 (i) The raw groundwater source does not meet local water quality
36 standards; and

37 (ii) The system has provided evidence to the county legislative
38 authority that the water provided meets local potable water quality

1 standards at the point at which the water is delivered for potable
2 use.

3 (b) A group B public water system that was authorized under the
4 rules adopted pursuant to RCW 43.20.050, as of the effective date of
5 this section, and that adds connections to the group B public water
6 system, may receive approval from the county legislative authority
7 pursuant to (a) of this section to expand the number of connections
8 in the group B public water system, but only if the total number of
9 connections does not exceed nine connections.

10 (2)(a) A group B public water system must submit test results to
11 the county legislative authority by December 15th of each year
12 demonstrating that the potable water delivered meets local potable
13 water standards, if the group B public water system was approved by
14 the county legislative authority under subsection (1) of this
15 section. By December 15th of each year, a group B public water system
16 must also provide a copy of the test results submitted to the county
17 legislative authority to each customer connection served by the group
18 B public water system. The county legislative authority must provide
19 submitted test results to the local health jurisdiction.

20 (b) The county legislative authority must designate at least one
21 county employee as a point of contact for questions, problems, and
22 other issues relating to group B public water systems. The county
23 legislative authority must provide a notice identifying the county's
24 point of contact to a group B public water system owner and operator
25 upon the system's approval under this section, and either party must
26 notify the other if there is a change in ownership, operator, or the
27 county's point of contact.

28 (3) Prior to a county's approval of a group B public water system
29 where raw groundwater does not meet water quality standards under
30 this section, the group B public water system must review alternate
31 sources of water and share that review with its owners and the
32 county. The alternative sources that a group B public water system
33 should consider includes, but is not limited to, rainwater
34 collection, truck and storage systems, or other nontraditional
35 conveyance methods. The county legislative authority may require that
36 a group B public water system treat any alternative water sources
37 that it relies upon.

38 (4) By January 15, 2019, a county that approves a group B public
39 water system under the authority granted in this section must submit
40 a report to the appropriate fiscal and policy committees of the

1 legislature consistent with RCW 43.01.036. The report must summarize
2 information pertinent to the county's implementation of this section,
3 including but not limited to:

4 (a) The number of group B public water systems and associated new
5 connections that were approved by the county legislative authority
6 after January 1, 2016, under the authority granted in this section;

7 (b) The test results submitted to the county legislative
8 authority under subsection (2) of this section and analysis of
9 whether those test results indicate that group B public water systems
10 delivered water that met local potable water quality standards; and

11 (c) The contaminants that were present in water sources used by
12 the group B public water systems approved under this section and the
13 types of treatment used to address each contaminant by the group B
14 public water systems.

15 (5) For the purposes of this section "local potable water quality
16 standards" means water quality standards that apply to private water
17 wells exempted under RCW 90.44.050 that are located in the same
18 county as the group B public water system, including but not limited
19 to standards for known contaminants identified by and in consultation
20 with a local health jurisdiction.

21 (6) The authority established in this section for a county
22 legislative authority to approve a group B public water system
23 expires January 1, 2021.

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