

SSB 5364 - H COMM AMD
By Committee on Environment

NOT ADOPTED 04/07/2011

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

19 (3) Following its review of the application, its supporting
20 material, and any information received by the department in its
21 investigation of the application, the department shall issue or deny
22 the operating permit. The department shall act on initial permit
23 applications as expeditiously as possible, and shall in all cases
24 either grant or deny the application within one hundred twenty days of
25 receipt of the application or of any supplemental information required
26 to complete the application. The applicant for a permit shall be
27 entitled to file an appeal in accordance with chapter 34.05 RCW if the
28 department denies the initial or subsequent applications or imposes
29 conditions or requirements upon the operator. Any operator of a public

1 water system that requests a hearing may continue to operate the system
2 until a decision is issued after the hearing.

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

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

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

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

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

20 ~~(c) The annual fee for public water supply systems serving three~~
21 ~~thousand three hundred thirty four to fifty three thousand three~~
22 ~~hundred thirty three service connections shall be based on a uniform~~
23 ~~per service connection fee of one dollar and fifty cents per service~~
24 ~~connection plus ten cents for each service connection in excess of~~
25 ~~three thousand three hundred thirty three service connections.~~

26 ~~(d) The annual fee for public water supply systems serving fifty-~~
27 ~~three thousand three hundred thirty four or more service connections~~
28 ~~shall be ten thousand dollars.~~

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

32 ~~(f) Until June 30, 2007, in addition to the fees under (a) through~~
33 ~~(e) of this subsection, the department may charge municipal water~~
34 ~~suppliers, as defined in RCW 90.03.015, an additional annual fee~~
35 ~~equivalent to twenty five cents for each residential service connection~~
36 ~~for the purpose of funding the water conservation activities in RCW~~
37 ~~70.119A.180)).~~

1 (7) The department shall adopt rules, in accordance with chapter
2 34.05 RCW, necessary to implement this section.

3 (8) The department shall establish by rule categories of annual
4 operating permit fees based on system size, complexity, and number of
5 service connections. Fees charged must be sufficient to cover, but may
6 not exceed, the costs to the department of administering a program for
7 safe and reliable drinking water. The department shall use operating
8 permit fees to monitor and enforce compliance by group A public water
9 systems with state and federal laws that govern planning, water use
10 efficiency, design, construction, operation, maintenance, financing,
11 management, and emergency response.

12 ~~((+7))~~ (9) The annual per-connection fee may not exceed one dollar
13 and fifty cents. The department ~~((may))~~ shall ~~((the))~~
14 implementation ~~((for any group of systems provided))~~ of any annual fee
15 increase greater than ten percent, and shall establish the schedule for
16 implementation ~~((is established))~~ by rule. ~~((Prior to implementing the~~
17 ~~operating permit requirement on water systems having less than five~~
18 ~~hundred service connections, the department shall form a committee~~
19 ~~composed of persons operating these systems. The committee shall be~~
20 ~~composed of the department of health, two operators of water systems~~
21 ~~having under one hundred connections, two operators of water systems~~
22 ~~having between one hundred and two hundred service connections, two~~
23 ~~operators of water systems having between two hundred and three hundred~~
24 ~~service connections, two operators of water systems having between~~
25 ~~three hundred and four hundred service connections, two operators of~~
26 ~~water systems having between four hundred and five hundred service~~
27 ~~connections, and two county public health officials. The members shall~~
28 ~~be chosen from different geographic regions of the state. This~~
29 ~~committee shall develop draft rules to implement this section. The~~
30 ~~draft rules will then be subject to the rule-making procedures in~~
31 ~~accordance with chapter 34.05 RCW.~~

32 ~~(+8))~~ (10) The department shall notify existing public water
33 systems of the requirements of RCW 70.119A.030, 70.119A.060, and this
34 section at least one hundred twenty days prior to the date that an
35 application for a permit is required pursuant to RCW 70.119A.030,
36 70.119A.060, and this section.

37 ~~((+9))~~ (11) The department shall issue one operating permit to any
38 approved satellite system management agency. Operating permit fees for

1 approved satellite system management agencies (~~(shall be one dollar per~~
2 ~~connection per year for the total number of connections under the~~
3 ~~management of the approved satellite agency. The department shall~~
4 ~~define by rule the meaning of the term "satellite system management~~
5 ~~agency." If a statutory definition of this term exists, then the~~
6 ~~department shall adopt by rule a definition consistent with the~~
7 ~~statutory definition)) must be established by the department by rule.~~

8 Rules established by the department must set a single fee based on the
9 total number of connections for all group A public water systems owned
10 by a satellite management agency.

11 ((+10)) (12) For purposes of this section, "group A public water
12 system" and "system" mean those water systems with fifteen or more
13 service connections, regardless of the number of people; or a system
14 serving an average of twenty-five or more people per day for sixty or
15 more days within a calendar year, regardless of the number of service
16 connections."

17 Correct the title.

EFFECT: Removes the provision limiting the annual operating
permit fee for any public water system to no greater than \$100,000
prior to 2020.

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