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**SUBSTITUTE SENATE BILL 5803**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Environment, Water & Energy (originally sponsored by Senator Morton)

READ FIRST TIME 02/21/11.

1           AN ACT Relating to the allowance of point-of-entry and point-of-use  
2 treatment in public water systems in certain circumstances; adding a  
3 new section to chapter 70.119A RCW; creating a new section; and  
4 providing an expiration date.

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

6           NEW SECTION.   **Sec. 1.**   Many small public water systems in  
7 Washington are facing higher expenses, failing infrastructure, a  
8 falloff in state and federal aid, and more difficulty with borrowing  
9 money as a result of the economic downturn. It is the intent of the  
10 legislature to provide small public water systems with short-term  
11 options to meet public health requirements.

12           NEW SECTION.   **Sec. 2.**   A new section is added to chapter 70.119A  
13 RCW to read as follows:

14           (1) A public water system in a county with a population of less  
15 than eleven thousand that borders the Columbia river and is located  
16 completely east of the crest of the Cascade mountains may allow the use  
17 of point-of-entry and point-of-use treatment in lieu of centralized  
18 treatment where it can be demonstrated that there is a problem with

1 arsenic levels in the drinking water and centralized treatment is not  
2 immediately economically feasible. Use of point-of-entry and  
3 point-of-use treatment is limited to the following:

4 (a) Water systems with less than one hundred service connections;

5 (b) Usage is allowed under the federal safe drinking water act and  
6 its implementing regulations and guidance, including, but not limited  
7 to:

8 (i) The point-of-entry or point-of-use treatment must be owned,  
9 controlled, and maintained by the public water system or a contractor  
10 hired by the public water system to ensure proper operation and  
11 maintenance of the point-of-entry or point-of-use treatment;

12 (ii) The public water system or a contractor hired by the public  
13 water system must have access to the point-of-entry or point-of-use  
14 treatment for installation, maintenance, monitoring, and removal;

15 (iii) The public water system may terminate, after notice, the  
16 water service of any customer who fails or refuses to allow such  
17 access, or adjusts, modifies, repairs, replaces, removes, disconnects,  
18 bypasses, or otherwise tampers with a treatment unit without prior  
19 approval from the public water system;

20 (c) The point-of-entry or point-of-use treatment must have  
21 mechanical warnings to automatically notify the customer of the public  
22 water system of operational problems; and

23 (d) The public water system has submitted an application to the  
24 department for funding to correct the violations for which the  
25 point-of-entry and point-of-use treatment is provided.

26 (2) The public water system must, in consultation with the  
27 department, conduct a public hearing in the community served by the  
28 public water system. The public water system must report to the  
29 department whether there is any substantial community opposition to the  
30 installation of point-of-entry or point-of-use treatment devices.

31 (3) The public water system must develop a compliance monitoring  
32 plan and the department must approve the compliance monitoring plan  
33 before point-of-entry or point-of-use treatment may be installed.

34 (4) The approval of point-of-use or point-of-entry treatment is  
35 limited to not more than three years or until funding for centralized  
36 treatment is available, whichever occurs first.

37 (5) The definitions in this subsection apply throughout this  
38 section unless the context clearly requires otherwise.

1           (a) "Point-of-entry treatment" means a device for the treatment of  
2 potable water that is located at the water service entry in a building.

3           (b) "Point-of-use treatment" means a device for the treatment of  
4 potable water that is located at the water tap in a building.

5           (6) This section expires June 30, 2015.

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