

Chapter 36.36 RCW
AQUIFER PROTECTION AREAS

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Assessments and charges against state lands: Chapter 79.44 RCW.

RCW 36.36.010 Purpose. The protection of subterranean water from pollution or degradation is of great concern. The depletion of subterranean water is of great concern. The purpose of this chapter is to allow the creation of aquifer protection areas to finance the protection, preservation, and rehabilitation of subterranean water, and to reduce special assessments imposed upon households to finance facilities for such purposes. Pollution and degradation of subterranean drinking water supplies, and the depletion of subterranean drinking water supplies, pose immediate threats to the safety and welfare of the citizens of this state. [1991 c 151 § 1; 1985 c 425 § 1.]

RCW 36.36.020 Creation of aquifer protection area—Public hearing—Ballot proposition. The county legislative authority of a county may create one or more aquifer protection areas for the purpose of funding the protection, preservation, and rehabilitation of subterranean water.

When a county legislative authority proposes to create an aquifer protection area it shall conduct a public hearing on the proposal. Notice of the public hearing shall be published at least once, not less than ten days prior to the hearing, in a newspaper of general circulation within the proposed aquifer protection area. The public hearing may be continued to other times, dates, and places announced at the public hearing, without publication of the notice. At the public hearing, the county legislative authority shall hear objections and comments from anyone interested in the proposed aquifer protection area.

After the public hearing, the county legislative authority may adopt a resolution causing a ballot proposition to be submitted to the registered voters residing within the proposed aquifer protection area to authorize the creation of the aquifer protection area, if the county legislative authority finds that the creation of the aquifer protection area would be in the public interest. The resolution shall: (1) Describe the boundaries of the proposed aquifer protection area; (2) find that its creation is in the public interest; (3) state the maximum level of fees for the withdrawal of water, or on-site sewage

disposal, occurring in the aquifer protection area, or both; and (4) describe the uses for the fees.

An aquifer protection area shall be created by ordinances of the county if the voters residing in the proposed aquifer protection area approve the ballot proposition by a simple majority vote. The ballot proposition shall be in substantially the following form:

"Shall the . . . (insert the name) aquifer protection area be created and authorized to impose monthly fees on . . . (insert "the withdrawal of water" or "on-site sewage disposal") of not to exceed . . . (insert a dollar amount) per household unit for up to . . . (insert a number of years) to finance . . . (insert the type of activities proposed to be financed)?

Yes
No"

If both types of monthly fees are proposed to be imposed, maximum rates for each shall be included in the ballot proposition.

An aquifer protection area may not include territory located within a city or town without the approval of the city or town governing body, nor may it include territory located in the unincorporated area of another county without the approval of the county legislative authority of that county. [1985 c 425 § 2.]

RCW 36.36.030 Imposition of fees—Ballot proposition to authorize increased fees or additional purposes. Aquifer protection areas are authorized to impose fees on the withdrawal of subterranean water and on on-site sewage disposal. The fees shall be expressed as a dollar amount per household unit. Fees imposed for the withdrawal of water, or on-site sewage disposal, other than by households shall be expressed and imposed in equivalents of household units. If both types of fees are imposed, the rate imposed on on-site sewage disposal shall not exceed the rate imposed for the withdrawal of water.

No fees shall be imposed in excess of the amount authorized by the voters of the aquifer protection area. Fees shall only be used for the activity or activities authorized by the voters of the aquifer protection area. Ballot propositions may be submitted to the voters of an aquifer protection area to authorize a higher maximum level of such fees or to authorize additional activities for which the fees may be used. Such a ballot proposition shall be substantially in the form of that portion of the proposition to authorize the creation of an aquifer protection district that relates to fees or activities, as provided in RCW 36.36.020. Approval of the ballot proposition by simple majority vote shall authorize the higher maximum level of fees or additional activities for which the fees may be used.

A county may contract with existing public utilities to collect the fees, or collect the fees itself. [1985 c 425 § 3.]

RCW 36.36.035 Reduced fees for low-income persons. A county may adopt an ordinance reducing the level of fees, for the withdrawal of subterranean water or for on-site sewage disposal, that are imposed upon the residential property of a class or classes of low-income persons. [1987 c 381 § 1.]

RCW 36.36.040 Use of fee revenues. Aquifer protection areas may impose fees to fund:

(1) The preparation of a comprehensive plan to protect, preserve, and rehabilitate subterranean water, including groundwater management programs adopted under chapter 90.44 RCW. This plan may be prepared as a portion of a county sewerage and/or water general plan pursuant to RCW 36.94.030;

(2) The construction of facilities for: (a) The removal of waterborne pollution; (b) water quality improvement; (c) sanitary sewage collection, disposal, and treatment; (d) stormwater or surface water drainage collection, disposal, and treatment; and (e) the construction of public water systems;

(3) The proportionate reduction of special assessments imposed by a county, city, town, or special district in the aquifer protection area for any of the facilities described in subsection (2) of this section;

(4) The costs of monitoring and inspecting on-site sewage disposal systems or community sewage disposal systems for compliance with applicable standards and rules, and for enforcing compliance with these applicable standards and rules in aquifer protection areas created after June 9, 1988; and

(5) The costs of: (a) Monitoring the quality and quantity of subterranean water and analyzing data that is collected; (b) ongoing implementation of the comprehensive plan developed under subsection (1) of this section; (c) enforcing compliance with standards and rules relating to the quality and quantity of subterranean waters; and (d) public education relating to protecting, preserving, and enhancing subterranean waters. [1991 c 151 § 2; 1988 c 258 § 1; 1985 c 425 § 4.]

RCW 36.36.045 Lien for delinquent fees. The county shall have a lien for any delinquent fees imposed for the withdrawal of subterranean water or on-site sewage disposal, which shall attach to the property to which the fees were imposed, if the following conditions are met:

(1) At least eighteen months have passed since the first billing for a delinquent fee installment; and

(2) At least three billing notices and a letter have been mailed to the property owner, within the period specified in subsection (1) of this section, explaining that a lien may be imposed for any delinquent fee installment that has not been paid in that period.

The lien shall otherwise be subject to the provisions of chapter 36.94 RCW related to liens for delinquent charges. The county shall record liens for any delinquent fees in the office of the county auditor. Failure on the part of the county to record the lien does not affect the validity of the lien. [1997 c 393 § 6; 1987 c 381 § 2.]

RCW 36.36.050 Dissolution of aquifer protection area—Petition—Ballot proposition. A county legislative authority may dissolve an aquifer protection area upon a finding that such dissolution is in the public interest.

A ballot proposition to dissolve an aquifer protection district shall be placed on the ballot for the approval or rejection of the voters residing in an aquifer protection area, when a petition

requesting such a ballot proposition is signed by at least twenty percent of the voters residing in the aquifer protection area and is filed with the county legislative authority of the county originally creating the aquifer protection area. The ballot proposition shall be placed on the ballot at the next general election occurring sixty or more days after the petition has been filed. Approval of the ballot proposition by a simple majority vote shall cause the dissolution of the aquifer protection area. [1985 c 425 § 5.]