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Appendix C
Evolving and Current
DOH Guidelines for CWSP and SMA

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Appendix C
Engrossed Second Substitute Senate Bill 5448
E2SSB 5448 (CWSP Sections) Interpretation
Public Water System Coordination Act Revisions by SSB 5448

Section	Change	Interpretation
70.116.050 (1)	Each purveyor within the boundaries of a critical water supply service area shall develop a water system plan for the purveyor's future service area if such a plan has not already been developed: PROVIDED, That non-municipally owned public water systems are exempt from the planning requirements of this chapter, except for the establishment of service area boundaries if they (a) Were in existence as of September 21, 1977; and (b) have no plans for water service beyond their existing service area and; (e) meet minimum quality and pressure design criteria established by the state board of health...	<ul style="list-style-type: none"> Deletes the exemption for non-municipally owned public water systems in existence as of September 21, 1977 that meet minimum quality and pressure design criteria.
70.116.050 (2)	After the boundaries of a critical water supply service area have been established pursuant to RCW 70.116.040, the committee established in RCW 70.116.040 shall participate in the development of a coordinated water system plan for the designated area. Such a Plan shall incorporate all water system plans developed pursuant to subsection (1) of this section. The plan shall provide for maximum integration and coordination of public water system facilities consistent with the protection and enhancement of the public health and well being. <u>Decisions of the committee shall be by majority vote of those present at meetings of the committee.</u>	<ul style="list-style-type: none"> Old interpretation was that decisions had to be made by a majority vote of the entire committee. This was changed to require that decisions could be made by a majority vote of those present at the meetings of the committee.
70.116.050 (3) (f) (g)	<p><u>(f) Include satellite system management requirements consistent with RCW 70.116.134.</u></p> <p><u>(g) Include policies and procedures that generally address failing water systems for which counties may become responsible under RCW 43.70.195.</u></p>	<p><u>New Subsections</u></p> <ul style="list-style-type: none"> Required that SMA provision be addressed in the CWSP. Required that policies and procedures addressing failing water systems be addressed in the CWSP.
70.116.050 (6)	<u>The committee established in RCW 70.116.040 may develop and utilize a mechanism for addressing disputes that arise in the development of the coordinated water system plan.</u>	<p><u>New Subsection (replaced old subsection (6) which is now subsection (7))</u></p> <ul style="list-style-type: none"> Allowed the WUC to develop and utilize a dispute resolution process during the development of the CWSP.
70.116.050 (7)	Prior to the submission of a coordinated water system plan to the secretary for approval of the design of the proposed facilities pursuant to RCW	<u>Subsection was moved from (6) to (7)</u>

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	<p>70.116.060, the plan shall be reviewed for consistency with subsection (4) of this section by the legislative authorities of the counties in which the critical water supply service area is located <u>shall hold a public hearing thereon and shall determine the plan's consistency with subsection (4) of this section...</u></p>	<ul style="list-style-type: none"> Deleted the specific direction for DOH to approve "design of the proposed facilities." (Since many aspects of the plan are policy or process related) Expanded the county consistency review process from inter office to include a public hearing.
<p>70.116.060 (2)</p>	<p>The secretary shall <u>review the coordinated water system plan and, to the extent the plan is consistent with the requirements of this chapter and regulations adopted hereunder, shall approve the plan, provided that the secretary shall not approve those portions of a coordinated water system plan which that fail to meet the requirements for future service area boundaries until any boundary dispute is resolved as set forth in RCW 70.116.070.</u></p>	<ul style="list-style-type: none"> Limits DOH approval of the plan to those portions of the plan which are consistent with RCW 70.116. Allows DOH not to approve parts of the CWSP related to areas of dispute.
<p>70.116.060 (3)(b)</p>	<p>No other purveyor shall establish a public water system within the area covered by the plan, unless the secretary <u>local legislative authority</u> determines that existing purveyors are unable to provide the service in a <u>timely and reasonable manner, pursuant to guidelines developed by the secretary. An existing purveyor is unable to provide the service in a timely manner if the water cannot be provided to an applicant for water within one hundred twenty days unless specified otherwise by the local legislative authority. If such a determination is made, the secretary may</u> <u>local legislative authority shall require the new public water system to be constructed in accordance with the construction standards and specifications embodied in the coordinated water system plan approved for the area. The service area boundaries in the coordinated plan for the affected utilities shall be revised to reflect the decision of the local legislative authority.</u></p>	<ul style="list-style-type: none"> Puts burden of determining timely and reasonable upon the County. Requires DOH to develop timely and reasonable guidance. Defines timely and reasonable as the purveyor being able to provide water within 120 days unless specified otherwise the County. Puts the burden on the County to require the design of new public water systems to meet the requirements of the CWSP. Allows for Counties to make boundary changes when a new system is developed.
<p>70.116.060 (5)</p>	<p><u>The affected legislative authorities may develop and utilize a mechanism for addressing disputes that arise in the implementation of the coordinated water system plan after the plan has been approved by the secretary.</u></p>	<p><u>New Subsection</u></p> <ul style="list-style-type: none"> Allows counties to develop and utilize a dispute resolution process for addressing disputes that arise in the implementation of the CWSP, once the CWSP has been approved.
<p>70.116.060 (6)</p>	<p><u>After adoption of the initial coordinated water system plan, the local legislative authority or the secretary may determine that the plan should be updated or revised. The legislative authority may initiate an update at any time, but the secretary may initiate an update no more frequently than once every five years. The update may encompass all or a portion of the plan, with the</u></p>	<p><u>New subsection</u></p> <ul style="list-style-type: none"> Once the CWSP is adopted, the County or DOH may require update.

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	<p>scope of the update to be determined by the secretary and the legislative authority. The process for the update shall be the one prescribed in RCW 70.116.050.</p>	<ul style="list-style-type: none"> • The County may require update at any time, DOH can only require update no more than once every 5 years. • The update may address all or a portion of the CWSP. • The update must follow the process found in RCW 70.116.050.
<p>70.116.060 (7)</p>	<p>The provisions of subsection (3) of this section shall not apply in any county for which a coordinated water system plan has not been approved under subsection (2) of this section.</p>	<p>New subsection</p> <ul style="list-style-type: none"> • The rules of subsection 3 of this section do not apply in areas where a CWSP has not been approved by DOH.
<p>70.116.060 (8)</p>	<p>If the secretary initiates an update or revision of a coordinated water system plan, the state shall pay for the cost of updating or revising the plan.</p>	<p>New subsection</p> <ul style="list-style-type: none"> • If DOH requires an update of the CWSP, DOH must pay the cost of updating the CWSP.
<p>70.116.070 (1)</p>	<p>The proposed service area boundaries of public water systems within the critical water supply service area that are required to submit water system plans under this chapter shall be determined by written agreement among the purveyors and with the approval of the appropriate legislative authority. Failure of the legislative authority to file with the secretary objections to the proposed service area boundaries within sixty days of receipt of the proposed boundary agreement may be construed as approval of the agreement identified in the system's plan. The local legislative authority, or its planning department or other designee, shall review the proposed boundaries to determine whether the proposed boundaries of one or more systems overlap. The boundaries determined by the local legislative authority not to overlap shall be incorporated into the coordinated water system plan. Where any overlap exists, the local legislative authority may attempt to resolve the conflict through procedures established under RCW 70.116.060 (5)</p>	<ul style="list-style-type: none"> • Foregoes the requirement for systems to sign written agreements between purveyors and approved by the County. Requires that systems propose a service area boundary in their WSP and for the County to determine if those proposed boundaries overlap. If the boundaries do not overlap, requires the County to incorporate them into the CWSP.
<p>70.116.070 (2)</p>	<p>If no service area boundary agreement has been established within a reasonable period of time, or if the legislative authority has filed with the secretary objections in writing as provided in subsection (1) of this section Any final decision by a local legislative authority regarding overlapping service areas, or any unresolved disputes regarding service area boundaries, may be appealed or referred to the secretary in writing for resolution. After receipt of an appeal or referral, the secretary shall hold a public hearing</p>	<ul style="list-style-type: none"> • Allows appeal of the County's decision on overlapping boundaries to be appealed to DOH. The request for appeal must be in writing. • Eliminates the need to notify all purveyors of the dispute. Allows DOH to notify only those

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	thereon. The secretary shall provide notice of the hearing by certified mail to each purveyor providing service in the critical water supply service area <u>involved in the dispute</u> to each county legislative authority having jurisdiction in the area and to the public...	purveyors involved in the dispute.
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