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HOUSE BILL 2301

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Rust and Romero

Read first time 01/12/94. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to ground water; amending RCW 90.44.035; and adding  
2 a new section to chapter 90.44 RCW.

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

4 **Sec. 1.** RCW 90.44.035 and 1987 c 109 s 107 are each amended to  
5 read as follows:

6 For purposes of this chapter:

7 (1) "Department" means the department of ecology;

8 (2) "Director" means the director of ecology;

9 (3) "Ground waters" means all waters that exist beneath the land  
10 surface or beneath the bed of any stream, lake or reservoir, or other  
11 body of surface water within the boundaries of this state, whatever may  
12 be the geological formation or structure in which such water stands or  
13 flows, percolates or otherwise moves. There is a recognized  
14 distinction between natural ground water and artificially stored ground  
15 water;

16 (4) "Natural ground water" means water that exists in underground  
17 storage owing wholly to natural processes; ((and))

18 (5) "Artificially stored ground water" means water that is made  
19 available in underground storage artificially, either intentionally, or

1 incidentally to irrigation and that otherwise would have been  
2 dissipated by natural waste((-)); and

3 (6) "Special protection area" means ground waters that require  
4 special consideration or increased protection because of one or more  
5 unique characteristics, including, but not limited to:

6 (a) Ground waters that support a beneficial use or an ecological  
7 system requiring more stringent criteria than drinking water standards;

8 (b) Ground waters, including, but not limited to, recharge areas  
9 and wellhead protection areas, that are vulnerable to pollution; and

10 (c) Designation as a sole source aquifer pursuant to the federal  
11 safe drinking water act (88 Stat. 1660).

12 NEW SECTION. Sec. 2. A new section is added to chapter 90.44 RCW  
13 to read as follows:

14 (1) Special protection areas may be proposed for designation at any  
15 time by the department upon its own initiative or by a petition filed  
16 by a federal or state agency, Indian tribe, local government, or  
17 citizen. The petition shall provide sufficient information for the  
18 department to determine if the proposed designation is in the best  
19 interest of the public. This information shall include, but not be  
20 limited to:

21 (a) A rationale for the proposed designation;

22 (b) Supporting data for the proposed designation;

23 (c) A description of the proposed area including geographic and  
24 hydrologic boundaries; and

25 (d) Such other reasonably available information as the department  
26 deems necessary.

27 (2) The department shall designate the ground waters as a special  
28 protection area if the department determines:

29 (a) The special protection area contains one or more of the  
30 characteristics described in RCW 90.44.035(6); and

31 (b) Such a designation is in the public interest.

32 (3) The unique characteristics of a special protection area shall  
33 be considered and protected by the department when regulating  
34 activities, developing regulations, guidelines, and policies, and when  
35 prioritizing department resources for ground water quality protection  
36 programs.

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