SENATE BILL REPORT

E2SHB 2867

As Reported By Senate Committee On:
Environmental Quality & Water Resources, February 25, 2000

Title: An act relating to underground water storage.

Brief Description: Providing for the issuance of reservoir permits to store and recover water in an underground geological formation.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Linville, G. Chandler, Miloscia, Mitchell, Koster and Cooper).

Brief History:
Committee Activity: Environmental Quality & Water Resources: 2/24/2000, 2/25/2000 [DPA].

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: Do pass as amended.
Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Staff: Genevieve Pisarski (786-7488)

Background: Under the groundwater code, the Department of Ecology may limit withdrawal by appropriators of groundwater to maintain a safe sustaining yield of water from a groundwater source for senior appropriators. The department may designate groundwater areas or sub-areas and may also designate separate depth zones within such an area or sub-area in order to control withdrawal. If the department makes such a designation, a person claiming to be the owner of artificially stored groundwater within such an area, sub-area, or zone must file a declaration to that effect with the department.

Under the surface water code, there is a secondary permit requirement for use of water that is stored in a reservoir. A person wishing to use any water stored in a reservoir must file an application for a secondary permit and provide evidence that an agreement has been entered into with the owners of the reservoir for enough water for the secondary permit.

Summary of Amended Bill: Under the surface water code,"reservoir" includes natural underground formations where water is stored and used as part of an underground artificial storage and recovery project. The underground artificial storage and recovery project must meet standards for review and mitigation established by the Department of Ecology rule, regarding aquifer vulnerability and hydraulic continuity, potential impairment of existing water rights, geo-technical impacts and aquifer boundaries and characteristics, chemical compatibility of surface and ground waters, recharge and recovery treatment requirements, system operation water rights, and environmental impacts.

Analysis of such a project and geological formation must be conducted through studies initiated by the applicant and reviewed by the department. The department must report to the Legislature by December 31, 2001, on its standards for review and mitigation and on the status of any applications that have been filed for such projects.

An underground artificial storage and recovery project is a project in which water is stored by injection, surface spreading and infiltration, or other department-approved method for the purpose of making subsequent use of the stored water. An underground artificial storage and recovery project does not refer to irrigation operational and seepage losses, to water artificially stored due to irrigation district projects, to reclaimed water, or to artificially stored water that may be claimed when a groundwater sub-area is established.

Amended Bill Compared to Original Bill: Language is added to clarify that, in an underground artificial storage and recovery project, water in general may be stored and recovered; other methods approved by the department may be used, in addition to injection and surface spreading and infiltration; and water is stored for the purpose of subsequent use.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Aquifer storage and recovery is an important, emerging tool for supplying water to both instream flows and any other uses, notably municipal water supply. An authorized regulatory program is needed to provide certainty to projects that are ready to proceed. The proposed definition and authorization for aquifer storage and recovery does not change any water rights or permit requirements. This streamlines the existing regulatory options and provides for the same type of permitting approach as is currently required for surface reservoirs.

Testimony Against: The science of aquifer storage and recovery is unsettled. Interference with natural hydrological systems could have a negative impact on stream flows, because there might not be enough water in a system to go around and because there is no assurance that enough water would be directed to stream flows, as opposed to other uses.

Testified: PRO: Representative Linville, prime sponsor; Mark Triplett, Lakehaven Utility District; Ken Slattery, Department of Ecology; Dawn Vyvyan, Yakama Nation; Kathleen Collins, Washington Water Policy Alliance; Judy Turpin, Washington Environmental Council (concern); CON: Mike Moran, Muckleshoot Indian Tribe.