

5289

Sponsor(s): Senators Fraser, Morton, Jacobsen, Winsley, Rasmussen, Patterson, Spanel, Haugen, Eide, Shin, Costa, Fairley, Heavey, Prentice, Gardner, Franklin, Kohl-Welles, Thibaudeau and Kline; by request of Governor Locke

Brief Description: Strengthening laws concerning water resources in order to protect and restore fish stocks.

SB 5289 - DIGEST

(SEE ALSO PROPOSED 2ND SUB)

Finds that numerous fish stocks of the state are being listed or are proposed to be listed as threatened or endangered under the federal endangered species act. The legislature further finds that existing state laws form a good foundation for the state to respond to the listings and proposed listings, but that various laws relating to water resources, land use, and fish protection and restoration must be strengthened to minimize the potential for federal preemption of state authority and autonomy regarding the management of the state's fisheries and water resources.

Declares an intent to provide moneys to the department of ecology for grants and loans to public bodies engaged in irrigation water supply for the purpose of improved drought preparedness.

Provides that each public water system with fifteen or more service connections shall: (1) Implement a water conservation program promotion targeted at system customers; and

(2) implement other cost-effective water conservation measures identified in approved water conservation plans required under RCW 43.20.230.

Provides that public water systems with one thousand or more service connections shall: (1) Implement a leak detection and repair program, and shall repair leaks if the system's unaccounted for water is ten percent or more of total system water usage;

(2) conduct water audits to identify internal water distribution and associated opportunities for improved water use efficiency; and

(3) utilize commodity-based water rates and not declining block rate structures.

Requires public water systems with fifteen or more service connections to collect monthly water use data from all water sources used to serve the system. Water use data collected under this section shall be submitted annually to the department in a form and manner prescribed by the department. Data collected under this section shall be coordinated with water use data collection requirements of the department of ecology.

Provides that, in determining whether a proposed short plat, short subdivision, or subdivision meets the requirements for potable water supplies as required under RCW 58.17.060 or 58.17.110, and otherwise serves the public use and interest, the city, town, or county shall require: (1) Conformance to any water conservation ordinances or plans adopted by the city, town, or county;

(2) utilization of water conservation measures consistent with any regional watershed plan adopted under chapter 90.82.RCW; and

(3) utilization of reclaimed water where potable water is not required consistent with any local ordinance adopted on water reuse requirements.

Requires the department in consultation with the department of health to adopt rules establishing water use efficiency performance standards for various water uses by December 31, 2000. The department shall engage in a negotiated rule-making process involving representatives of interested parties. However, if the participants do not reach consensus by July 1, 2000, the department shall proceed with the adoption of rules using the advice and guidance of the participants to the extent possible.

Requires the department of ecology, in consultation with the department of health and water purveyors, to adopt rules by December 31, 2000, establishing criteria to determine when the use of reclaimed water is feasible to replace potable water supplied for nonpotable water use. Local governments may adopt ordinances requiring the use of reclaimed water for nonpotable uses when determined feasible.

Revises provisions relating to water right changes and transfers.

Revises provisions regulating public water supply systems.

Revises provisions regulating ground water exemptions.

Directs the department of ecology to convene a group consisting of representatives from major stakeholder groups concerned with water resources management as well as scientists recognized for their expertise in the fields of hydrology, hydrogeology, fish biology, stream ecology, and stream restoration to review, assess, and recommend methods for mitigating the effects caused by proposed ground water withdrawals. The group shall consider all types of mitigation measures. The department of ecology shall adopt rules to implement the findings of the group and shall report on the group's progress, findings, and any recommendations for possible legislative action to the legislature by December 31, 1999.

Declares that, by agreement under chapter 39.34 RCW, the director of the department of ecology and the director of the department of fish and wildlife are each authorized to delegate and accept law enforcement powers or functions to or from the other department.

Provides that, in addition to the elements required by RCW 36.70A.070, a county or city may include in its comprehensive plan an environmental element that identifies and evaluates the environmental impacts and tradeoffs that can reasonably be foreseen by adoption and implementation of the plan.

Requires the environmental element to address system and area-wide improvements and environmental elements and cumulative impacts, including critical areas and shorelines of the state, endangered or threatened species habitats, watersheds, water quality, ground water movement, air quality, historic and cultural resources, utilities, transportation, and public services.

Revises shoreline management provisions.

Makes appropriations to carry out the purposes of the act.

