

SENATE BILL REPORT

EHB 2993

As of March 13, 2002

Title: An act relating to water policy.

Brief Description: Modifying water provisions.

Sponsors: Representatives Linville and Kirby.

Brief History:

Staff: Genevieve Pisarski (786-7488)

Background: Current law directs the Department of Ecology and local water masters to take enforcement action when there is a violation of water law. Current law provides for reuse of municipal waste water and agricultural processing water without changing water rights, but does not include industrial process water. Donations of water rights to instream flows under terms set by the holder of the water right are currently limited to areas where there are listed aquatic species. The State Supreme Court has held that, in order to decide whether to approve a change or transfer of a water right, the Department of Ecology must tentatively determine the validity and quantity of the right. Current law provides specific permitting requirements for storage of water and for subsequent use of stored water.

Summary of Bill: The Legislature affirms intent to support local watershed strategies and provide tools to help these strategies provide sufficient water for residential, commercial, and industrial needs, for productive fish populations, and for productive agriculture.

The Department of Ecology must use its compliance staff, water masters, and stream patrollers to achieve compliance with water laws by, first, using education and information; then, using information and technical assistance to achieve voluntary compliance; and, if neither of these achieves compliance, taking enforcement action. If other water rights or public resources are being harmed, the department can take action to stop a violation immediately. If possible, compliance personnel are to be stationed locally and distributed evenly around the state.

"Industrial reuse water" is defined as industrial process water that has been treated to be suitable for other uses. By interagency agreement between the Departments of Health and Ecology, wastewater discharge permits issued by the Department of Ecology can also serve as reclaimed water permits for industrial and commercial reuse of reclaimed water. Reuse of industrial process water cannot impair existing water rights in the source of supply or downstream of the industrial processor's discharge. The wastewater discharge permit is also the permit to reuse industrial process water and governs how and where the water can be used, and no water right changes are required.

Donations of water rights to instream flows are no longer limited to streams that have listed species.

The Department of Ecology must process a water right change without examining the extent or validity of the rest of the water right, when a portion the right is donated to the trust water rights program to help achieve established instream flows.

Applying for a reservoir permit to store water and a secondary permit to use the water can be done on a single form. The Department of Ecology must expedite processing of applications for storing water that already has a water right, for adding or changing a use of stored water, for adding storage capacity, and for using water that is already stored. A secondary permit is not required if water is stored and then used for the same purpose as before. The department can allow reservoirs to be filled more than once a year or once a season.

A water conservation account is created to receive federal conservation funding and other funding appropriated by the Legislature for conservation. The public works board makes expenditures from the account. This section takes effect immediately.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed. Section 11 takes effect immediately.