
SENATE BILL 6802

State of Washington 57th Legislature

2002 Regular Session

By Senators Morton, Brown, West, McCaslin, Sheahan, Fraser, Oke, Hale and Rasmussen

Read first time 02/06/2002. Referred to Committee on Environment, Energy & Water.

1 AN ACT Relating to state representation in the protection of the
2 state's water interests; and amending RCW 90.54.080 and 90.54.140.

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

4 **Sec. 1.** RCW 90.54.080 and 1971 ex.s. c 225 s 8 are each amended to
5 read as follows:

6 The state shall vigorously represent its interest (~~before~~), which
7 shall include impacts upon governmental subdivisions and other water
8 rights holders regarding water resource regulation, management,
9 development, and use before (1) agencies of the United States,
10 including among others the federal (~~power~~) energy regulatory
11 commission, environmental protection agency, army corps of engineers,
12 department of the interior, department of agriculture, and the (~~atomic~~
13 energy) nuclear regulatory commission(~~, and of~~); (2) interstate
14 agencies; and (3) agencies and tribunals of other states and provinces,
15 including local government agencies with regard to planning, licensing,
16 relicensing, permit proposals, and proposed construction, development,
17 and utilization plans affecting the waters of the state. Where federal
18 (~~or~~), interstate, or other state, provincial, or local jurisdictional
19 agency plans, activities, or procedures conflict with Washington state

1 water policies or may affect state interests or those of Washington
2 state governmental subdivisions or other water rights holders, all
3 reasonable steps available shall be taken by the state to preserve the
4 integrity of this state's policies and interests. Where judged
5 necessary by the department or the attorney general to protect such
6 policies and interests, such representation may include litigation and
7 negotiation through appropriate processes of interstate compacts or
8 other available means of legal redress.

9 **Sec. 2.** RCW 90.54.140 and 1984 c 253 s 5 are each amended to read
10 as follows:

11 The legislature hereby declares that the protection of ground water
12 aquifers which are the sole drinking water source for a given
13 jurisdiction shall be of the uppermost priority of the ((state))
14 department ((of ecology)), department of social and health services,
15 and all local government agencies with jurisdiction over such areas.
16 In administration of programs related to the disposal of wastes and
17 other practices which may impact such water quality, the department
18 ((of ecology)), department of social and health services, and such
19 affected local agencies shall explore all possible measures for the
20 protection of the aquifer, including any appropriate incentives,
21 penalties, or other measures designed to bring about practices which
22 provide for the least impact on the quality of the ground water. The
23 department and the attorney general shall intervene in or initiate as
24 necessary any action or proceeding in or with an adjoining state,
25 adjoining province, or agency or legal subdivision of an adjoining
26 state or adjoining province, upon the request of a municipality of this
27 state, to protect the requesting municipality's interests relating to
28 the allocation of the use of water or water quality of such aquifer,
29 aquifers, or any interstate or international nonmarine body of water.
30 Such action may include litigation and negotiation through appropriate
31 processes of interstate compacts or other available means of legal
32 redress.

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