
**Agriculture & Natural Resources
Committee**

HB 2979

Brief Description: Clarifying authority regarding ground water withdrawals.

Sponsors: Representatives Kessler and Buck.

Brief Summary of Bill

- Prohibits, under the State Building Code, a county or city from limiting or conditioning ground water withdrawals to protect existing water rights, absent an interlocal agreement between the county and the Department of Ecology (DOE).

Hearing Date: 2/4/04

Staff: Kenneth Hirst (786-7105).

Background:

Under the State Building Code, an applicant for a building permit for a building that requires potable water must provide evidence of an adequate water supply for the intended use of the building. The evidence may be in the form of a water right permit from the DOE, a letter from an approved water purveyor stating the purveyor's ability to provide water, or another form verifying the existence of an adequate water supply. The county or city may impose conditions on building permits it issues that require connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. (RCW 19.27.097.)

On January 10, 2002, the Western Washington Growth Management Hearings Board (Board) issued a final decision and order in which it found Jefferson County to be out of compliance with the Growth Management Act. Among its findings, the Board found that the county had adopted development regulations that failed to protect aquifers used for potable water; among its orders, that the county must develop and adopt protection standards for critical aquifer recharge areas based on best available science to prevent further groundwater degradation from seawater intrusion. In a compliance order issued December 5, 2002, the Board indicated that if the county did not ". . . adopt more stringent protection standards applicable to Marrowstone Island or adopt a moratorium on development proposals that rely on a groundwater well as proof of potable water . . ." during the development of the more stringent standard, the Board would hear arguments on noncompliance and invalidity at a subsequent hearing. (*Olympic Environmental*

Council, et al., v Jefferson County, No. 01-2-0015; Final Decision and Order, January 10, 2002; Compliance Order, December 5, 2002.)

Summary of Bill:

The State Building Code is amended. In imposing building permit conditions regarding an adequate supply of water for the building, a county or city may not limit or condition ground water withdrawals to protect existing water rights. Absent an interlocal agreement between a county and the DOE, the DOE retains sole authority over the regulation and appropriation of the waters of the state.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.