

# SENATE BILL REPORT

## SB 6017

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As of March 4, 2009

**Title:** An act relating to fire suppression ponds.

**Brief Description:** Concerning fire suppression ponds.

**Sponsors:** Senator Morton.

**Brief History:**

**Committee Activity:** Environment, Water & Energy: 2/17/09.

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Staff:** Karen Epps (786-7424)

**Background:** Washington adopted a water right permit system through enactment of a surface water code in 1917 and a ground water code in 1945. With certain exceptions, new rights to use surface or ground water or to establish reservoir and storage projects must be established according to the permit system. A person seeking a new water right files an application with the Department of Ecology (Ecology), which must consider a four-part test when deciding whether to issue the requested right: (1) whether water is available; (2) whether a beneficial use of water would be made; (3) whether granting the right would impair existing rights; and (4) whether the proposed use would detrimentally affect the public welfare. If an application passes this test, Ecology issues a permit which establishes a time table for constructing the infrastructure to access the water and for putting water to beneficial use. When the conditions of the permit are satisfied, Ecology issues a water right certificate.

**Summary of Bill:** A fire suppression pond, a pond of less than ten acre feet in volume used to impound water for fire suppression or fire prevention, is exempt from surface water permitting requirements. A fire suppression pond, a pond of less than ten acre feet in volume used to impound water for fire suppression or fire prevention, is exempt from groundwater permitting requirements.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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

**Staff Summary of Public Testimony:** PRO: This comes about because of swimming pools. Those with a swimming pool have a ready-made reservoir for fighting fires. These fire ponds would be used for fire suppression without all the entanglements that are necessary for a bigger body of water. The availability of these ponds is critical to the fighting of fires. The more water that is available to fight a fire the better the chances are of controlling that fire.

CON: While fire suppression and safety is very important, this bill is very broad and vulnerable to abuse. The amount of water, ten acre feet, could have a very severe ecosystem impact.

OTHER: Ten acre feet of water is a pretty good sized pond for a residence and translates to 3.3 million gallons. It would take a year to fill it if you were pumping a little over 8,900 gallons per day. Most of the other exempt purposes under the statute are limited to 5,000 gallons per day. If this would be used for only fire suppression this would be more than enough water. It would take 22 days to pump it out using a 100 gallon per minute pump.

**Persons Testifying:** PRO: Senator Morton, prime sponsor; Pete Gugliardino, Washington Cattlemen's Association.

CON: Darcy Nonemacher, American Rivers.

OTHER: Ken Slattery, Ecology.