

---

SENATE BILL 5754

---

State of Washington

61st Legislature

2009 Regular Session

By Senators Sheldon, Honeyford, Holmquist, Morton, and Delvin

Read first time 01/30/09. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to setting instream flows; and amending RCW  
2 90.54.020.

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

4 **Sec. 1.** RCW 90.54.020 and 2007 c 445 s 8 are each amended to read  
5 as follows:

6 Utilization and management of the waters of the state shall be  
7 guided by the following general declaration of fundamentals:

8 (1) Uses of water for domestic, stock watering, industrial,  
9 commercial, agricultural, irrigation, hydroelectric power production,  
10 mining, fish and wildlife maintenance and enhancement, recreational,  
11 and thermal power production purposes, and preservation of  
12 environmental and aesthetic values, and all other uses compatible with  
13 the enjoyment of the public waters of the state, are declared to be  
14 beneficial.

15 (2) Allocation of waters among potential uses and users shall be  
16 based generally on the securing of the maximum net benefits for the  
17 people of the state. Maximum net benefits shall constitute total  
18 benefits less costs including opportunities lost.

1 (3) The quality of the natural environment shall be protected and,  
2 where possible, enhanced as follows:

3 (a) Perennial rivers and streams of the state shall be retained  
4 with base flows, in an amount equal to the ninety percent exceedance  
5 curve, necessary to provide for preservation of wildlife, fish, scenic,  
6 aesthetic and other environmental values, and navigational values, and  
7 which do not preclude the diversion of water for the production of  
8 agricultural products. Lakes and ponds shall be retained substantially  
9 in their natural condition. Withdrawals of water which would conflict  
10 therewith shall be authorized only in those situations where it is  
11 clear that overriding considerations of the public interest will be  
12 served.

13 (b) Waters of the state shall be of high quality. Regardless of  
14 the quality of the waters of the state, all wastes and other materials  
15 and substances proposed for entry into said waters shall be provided  
16 with all known, available, and reasonable methods of treatment prior to  
17 entry. Notwithstanding that standards of quality established for the  
18 waters of the state would not be violated, wastes and other materials  
19 and substances shall not be allowed to enter such waters which will  
20 reduce the existing quality thereof, except in those situations where  
21 it is clear that overriding considerations of the public interest will  
22 be served. Technology-based effluent limitations or standards for  
23 discharges for municipal water treatment plants located on the  
24 Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted  
25 to reflect credit for substances removed from the plant intake water  
26 if:

27 (i) The municipality demonstrates that the intake water is drawn  
28 from the same body of water into which the discharge is made; and

29 (ii) The municipality demonstrates that no violation of receiving  
30 water quality standards or appreciable environmental degradation will  
31 result.

32 (4) The development of multipurpose water storage facilities shall  
33 be a high priority for programs of water allocation, planning,  
34 management, and efficiency. The department, other state agencies, and  
35 local governments(~~(, and planning units formed under section 107 or 108~~  
36 ~~of this act)) shall evaluate the potential for the development of new  
37 storage projects and the benefits and effects of storage in reducing  
38 damage to stream banks and property, increasing the use of land,~~

1 providing water for municipal, industrial, agricultural, power  
2 generation, and other beneficial uses, and improving stream flow  
3 regimes for fisheries and other instream uses.

4 (5) Adequate and safe supplies of water shall be preserved and  
5 protected in potable condition to satisfy human domestic needs.

6 (6) Multiple-purpose impoundment structures are to be preferred  
7 over single-purpose structures. Due regard shall be given to means and  
8 methods for protection of fishery resources in the planning for and  
9 construction of water impoundment structures and other artificial  
10 obstructions.

11 (7) Federal, state, and local governments, individuals,  
12 corporations, groups and other entities shall be encouraged to carry  
13 out practices of conservation as they relate to the use of the waters  
14 of the state. In addition to traditional development approaches,  
15 improved water use efficiency, conservation, and use of reclaimed water  
16 shall be emphasized in the management of the state's water resources  
17 and in some cases will be a potential new source of water with which to  
18 meet future needs throughout the state. Use of reclaimed water shall  
19 be encouraged through state and local planning and programs with  
20 incentives for state financial assistance recognizing programs and  
21 plans that encourage the use of conservation and reclaimed water use,  
22 and state agencies shall continue to review and reduce regulatory  
23 barriers and streamline permitting for the use of reclaimed water where  
24 appropriate.

25 (8) Development of water supply systems, whether publicly or  
26 privately owned, which provide water to the public generally in  
27 regional areas within the state shall be encouraged. Development of  
28 water supply systems for multiple domestic use which will not serve the  
29 public generally shall be discouraged where water supplies are  
30 available from water systems serving the public.

31 (9) Full recognition shall be given in the administration of water  
32 allocation and use programs to the natural interrelationships of  
33 surface and groundwaters.

34 (10) Expressions of the public interest will be sought at all  
35 stages of water planning and allocation discussions.

36 (11) Water management programs, including but not limited to, water

1 quality, flood control, drainage, erosion control and storm runoff are  
2 deemed to be in the public interest.

--- END ---