
SENATE BILL 5129

State of Washington

64th Legislature

2015 Regular Session

By Senators Pearson and Honeyford

Read first time 01/14/15. Referred to Committee on Agriculture,
Water & Rural Economic Development.

1 AN ACT Relating to overriding considerations of the public
2 interest in management of the waters of the state; amending RCW
3 90.54.020; and creating a new section.

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

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

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

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

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

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

1 (a) Perennial rivers and streams of the state shall be retained
2 with base flows necessary to provide for preservation of wildlife,
3 fish, scenic, aesthetic and other environmental values, and
4 navigational values. Lakes and ponds shall be retained substantially
5 in their natural condition. Withdrawals of water which would conflict
6 therewith shall be authorized only in those situations where it is
7 clear that overriding considerations of the public interest will be
8 served. Making available uninterrupted water supplies for domestic
9 uses through the establishment of reservations of water clearly will
10 serve overriding considerations of the public interest. When
11 establishing levels and flows pursuant to this chapter and chapter
12 90.22 RCW, the department shall reserve a reasonable amount of water
13 for domestic uses whether or not adopted levels or flows will be met.
14 The amount of water reserved shall be consistent with the requirement
15 that adequate supplies of water shall be preserved and protected to
16 satisfy human domestic needs. The department may limit the quantity
17 of reservation water available to new domestic uses, but the
18 department shall not make available less water than is necessary to
19 meet reasonable drinking, cooking, sanitation, and domestic property
20 maintenance demands. The department may consider relevant population
21 growth projections when determining the appropriate quantity of water
22 to reserve for domestic uses.

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

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

1 (ii) The municipality demonstrates that no violation of receiving
2 water quality standards or appreciable environmental degradation will
3 result.

4 (4) The development of multipurpose water storage facilities
5 shall be a high priority for programs of water allocation, planning,
6 management, and efficiency. The department, other state agencies, and
7 local governments(~~(, and planning units formed under section 107 or~~
8 ~~108 of this act)~~) shall evaluate the potential for the development of
9 new storage projects and the benefits and effects of storage in
10 reducing damage to stream banks and property, increasing the use of
11 land, providing water for municipal, industrial, agricultural, power
12 generation, and other beneficial uses, and improving streamflow
13 regimes for fisheries and other instream uses.

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

16 (6) Multiple-purpose impoundment structures are to be preferred
17 over single-purpose structures. Due regard shall be given to means
18 and methods for protection of fishery resources in the planning for
19 and construction of water impoundment structures and other artificial
20 obstructions.

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

35 (8) Development of water supply systems, whether publicly or
36 privately owned, which provide water to the public generally in
37 regional areas within the state shall be encouraged. Development of
38 water supply systems for multiple domestic use which will not serve
39 the public generally shall be discouraged where water supplies are
40 available from water systems serving the public.

1 (9) Full recognition shall be given in the administration of
2 water allocation and use programs to the natural interrelationships
3 of surface and groundwaters.

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

6 (11) Water management programs, including but not limited to,
7 water quality, flood control, drainage, erosion control and storm
8 runoff are deemed to be in the public interest.

9 NEW SECTION. **Sec. 2.** Within two years from the effective date
10 of this section, the department of ecology shall review all existing
11 rules that establish levels or flows pursuant to chapter 90.54 or
12 90.22 RCW to determine whether sufficient water has been set aside in
13 reservations in adequate amounts to satisfy human domestic needs.
14 Where the department's review demonstrates that adequate reserves
15 have not been made in areas covered by existing rules that establish
16 levels and flows, the department shall take appropriate action to
17 amend such rules, consistent with the requirements of RCW
18 90.54.020(3)(a). The amendment of rules described in this section
19 shall take priority over the adoption of new rules establishing
20 levels and flows in areas not currently covered by such rules. The
21 priority date for rules amended pursuant to this section shall not
22 relate back to the priority date of the original rule, but the
23 amended rule shall have a priority date that is no earlier than the
24 date of the final adoption of the amended rule by the department of
25 ecology.

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