

SENATE BILL REPORT

SSB 5626

As Passed Senate, February 12, 2022

Title: An act relating to adding a climate resilience element to water system plans.

Brief Description: Adding a climate resilience element to water system plans.

Sponsors: Senate Committee on Environment, Energy & Technology (originally sponsored by Senators Rolfes, Frockt, Lovelett, Lovick, Nguyen, Randall and Stanford).

Brief History:

Committee Activity: Environment, Energy & Technology: 1/12/22, 1/20/22 [DPS-WM, DNP].

Ways & Means: 2/03/22, 2/07/22 [DPS (ENET), DNP, w/oRec].

Floor Activity: Passed Senate: 2/12/22, 30-19.

Brief Summary of First Substitute Bill

- Requires the Department of Health to ensure water system plans for group A community public water systems serving 1000 or more connections include a climate resilience element at the time of approval, beginning June 30, 2024.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: That Substitute Senate Bill No. 5626 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Carlyle, Chair; Lovelett, Vice Chair; Das, Liias, Lovick, Nguyen, Sheldon, Stanford and Wellman.

Minority Report: Do not pass.

Signed by Senators Short, Ranking Member; Brown, Fortunato and Schoesler.

Staff: Gregory Vogel (786-7413)

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

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5626 as recommended by Committee on Environment, Energy & Technology be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig, Carlyle, Conway, Dhingra, Hasegawa, Hunt, Keiser, Mullet, Pedersen, Van De Wege and Wellman.

Minority Report: Do not pass.

Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun, Gildon, Muzzall, Rivers, Wagoner and Warnick.

Staff: Wendy Brown (786-7359)

Background: Office of Drinking Water. The Department of Health, Office Of Drinking Water (ODW) is responsible for ensuring that public water systems provide their customers an adequate and safe drinking water supply at all times. When necessary, ODW acts or directs water system owners and operators to resolve known or suspected public health threats. ODW's authority comes from the:

- Federal Safe Drinking Water Act;
- Code of Federal Regulations;
- state laws; and
- Department of Health (DOH) rules.

Federal regulations establish primary drinking water requirements for larger public water systems, known as group A public water systems. The U.S. Environmental Protection Agency delegated primary authority to administer and enforce these regulations to ODW.

ODW also administers state Board of Health (board) and DOH rules that cover the operation of public water systems. ODW has authority to adopt rules necessary to protect public health by ensuring safe and reliable drinking water. The rules set drinking water standards and requirements for monitoring, reporting, and responding to emergencies.

Water System Plans. The board is required to adopt rules for group A public water systems, necessary to assure safe and reliable public drinking water and to protect public health, including rules relating to public water system planning and emergency response requirements.

A group A community water system—those public water systems serving 15 or more year-round service connections, or 25 or more year-round residents—must submit a water system

plan or plan update to DOH for approval if it meets certain conditions, such as those systems serving 1000 or more connections, making infrastructure changes, or expanding their service area.

Water system plans must address several elements, including:

- description of the water system;
- basic planning data;
- demand forecasts;
- system analysis;
- water resource analysis; and
- other plans and documents.

Summary of First Substitute Bill: Beginning June 30, 2024, DOH must ensure water system plans for group A community public water systems serving 1000 or more connections include a climate resilience element at the time of approval.

DOH must update its water system planning guidebook to assist water systems in implementing the climate resilience element, including guidance on any available technical and financial resources.

DOH must provide technical assistance to public water systems based on their system size, location, and water source, by providing references to existing state or federal risk management, climate resiliency, or emergency management and response tools that may be used to satisfy the climate resilience element.

Subject to available funding, the University of Washington Climate Impacts Group must assist DOH in the development of the technical assistance tools.

To fulfill the planning requirements of this element, water systems must:

- determine which extreme weather events pose significant challenges to their system and build scenarios to identify potential impacts;
- assess critical assets and the actions necessary to protect the system from the consequences of extreme weather events on system operations; and
- generate reports describing the costs and benefits of the system's risk reduction strategies and capital project needs.

Climate readiness projects, including planning to meet the requirements of the climate resilience element and actions to protect a water system from extreme weather events, including infrastructure and design projects, are eligible for financial assistance under the Water System Acquisition and Rehabilitation Program.

DOH must develop grant and loan eligibility criteria and consider applications from water systems that identify climate readiness projects.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill (Environment, Energy & Technology): *The committee recommended a different version of the bill than what was heard.* PRO: This type of planning will help address impacts from climate change such as loss of snowpack, lessened ground water supply, increasing flooding and wildfires, sea level rise, and algal blooms, and their impact to critical infrastructure. Many agencies and others involved in the use and distribution of water have not yet taken a hard look at this problem to update current practices.

The bill also emphasizes the importance of providing data and technical support for climate resilience planning. System planning is typically based on what has happened in the past, and does not look to these future impacts, which could make systems less reliable and resilient in the future. This approach can be an effective way to encourage changes to operations to avoid service disruptions and loss of quality of water sources.

There are a couple of utilities that are already doing this planning. The bill could differentiate on water systems based on location, which drives the climate impacts that systems face.

OTHER: Success for this type of planning depends on what resources are provided to local planners. Common barriers are sufficient data and capacity to assess risks and resources to plan the risks. To adequately plan, systems need easily accessible and location specific data, and options for reducing those vulnerabilities. The Department of Health is working with the University of Washington on a pilot project to assist these efforts.

Persons Testifying (Environment, Energy & Technology): PRO: Senator Christine Rolfes, Prime Sponsor; Brian Walsh; Bruce Wishart, CELP/Sierra Club; Bill Clarke, WA PUD Association.

OTHER: Crystal Raymond, UW Climate Impacts Group; Amy Snover, UW Climate Impacts Group.

Persons Signed In To Testify But Not Testifying (Environment, Energy & Technology): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: This bill will make our water systems more resilient to extreme weather events that are resulting

from climate change. The climate projections resulting from this bill will help utilities be better prepared to manage risks. This is very forward thinking legislation.

Persons Testifying (Ways & Means): PRO: Brian Walsh.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.