

# SENATE BILL REPORT

## SB 6802

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As of February 3, 2010

**Title:** An act relating to adopting a sustainability groundwater policy.

**Brief Description:** Adopting a sustainability groundwater policy.

**Sponsors:** Senator Rockefeller.

**Brief History:**

**Committee Activity:** Environment, Water & Energy: 2/02/10.

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

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

**Background:** The Water Resources Act (Act) provides a list of legislative policies that guide the allocation of water in the public interest. The policies require allocation of water in a manner that preserves instream resources, protects the quality of the water, provides adequate and safe supplies of water, and promotes regional water supply systems that serve the public generally. The Act directs the Department of Ecology (Ecology) to ensure that the waters of the state are utilized for the best interests of the people and to develop and implement a comprehensive state water resources program which will provide a process for making decisions on future water resource allocation and use.

**Summary of Bill:** The groundwaters of the state must be managed sustainably so that both the quantity and quality is maintained and protected for both present and future generations. In all aspects of water resource management, withdrawals that would deplete a groundwater source to an extent that it would jeopardize the long-term yield and uses from that source must be discouraged.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

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

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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.*

**Staff Summary of Public Testimony:** PRO: Groundwater is at risk and we need a comprehensive policy addressing that. A comprehensive policy is a good first step, but there must also be specific statutory amendments along with funding to back that up. The state still lacks a basic groundwater monitoring program. Ecology supports adding this to the fundamental policies in the Water Resources Act. It is consistent with other provisions in the groundwater code that are designed to protect existing rights.

CON: The difficulty with this bill is that it is ambiguous and that it provides for the eye of the beholder problem. Based on conversations with water attorneys in the state, one said the provisions in the bill would be more strict than what is in the groundwater code and another said that the provisions in the bill are not as strict as what is in the groundwater code. The language in the bill is problematic and legally ambiguous.

**Persons Testifying:** PRO: Seth Ballhorn, Center for Environmental Law and Policy; Ken Slattery, Department of Ecology.

CON: Kathleen Collins, Washington Water Policy Alliance.