

House Bill Analysis

HB 2820

HOUSE AGRICULTURE AND ECOLOGY COMMITTEE

February
2, 2000

BACKGROUND:

The Department of Ecology is delegated authority from the federal government to administer the federal Clean Water Act. This responsibility includes the issuance of pollution discharge permits and identifying waters that are not expected to meet water quality standards. Concerns have been raised that the background levels of certain pollutants and naturally occurring higher temperatures in some parts of the state make it unrealistic for certain water quality standards to be met in those areas. Reclamation projects in those parts of the state that would have great difficulty achieving water quality standards could be impacted by the enforcement of the existing water quality laws.

Hydraulic permits are generally required whenever a person intends to construct or perform any work that will use, divert, obstruct, or change the natural flow or bed of any salt or fresh waters of the state. Similarly, any work that diverts water for agricultural irrigation or stock watering, or work associated with streambank stabilization to protect farm and agricultural land, and the diversion or work will use, divert, obstruct, or change the natural flow of water or bed of any river or stream, or will use any waters of the state or materials from the stream beds, requires a hydraulic permit. The permits are issued by the Department of Fish and Wildlife to ensure the protection of fish life.

The definition of bed— for hydraulic permit purposes excludes some irrigation ditches and other artificial watercourses, but does not exclude those irrigation ditches and other artificial watercourses that exist in a natural watercourse that has been altered by man.

SUMMARY:

Rules adopted by the Department of Ecology to implement the federal Clean Water Act that may impact a federal reclamation project, must be consistent with purposes authorized for the project. The rules also cannot impair project contracts or interfere with the construction, operation, or maintenance of project facilities.

The Department of Ecology is directed to adopt rules, in cooperation with the U.S. Bureau of Reclamation and federal reclamation project irrigation districts, that consider and reflect the unique site-specific characteristics of the arid and semiarid regions of the state where the projects are reclamation projects are located, and rules that consider and reflect the use of

constructed storage and conveyance facilities used for project purposes. In addition, the department is required to also cooperatively adopt water quality classifications for agriculture and warm water fisheries.

The definition of bed- and waters of the state- specifically exclude irrigation canals, ditches, facilities, laterals, drainage ditches, wasteways, storm water run-off facilities or other artificial man-altered watercourses that use natural watercourses, if the natural watercourse only conveyed storm event or intermittent, seasonal run-off or snowmelt before the irrigation development or alteration, and would have contained fish life for at least twelve months each year.

- Appropriation:** None
- Fiscal Note:** Requested
- Effective Date:** Ninety days after adjournment of regular session
- Rule-making Authority:** The Department of Ecology is prohibited from adopting rules to implement the federal Clean Water Act that are inconsistent with federal reclamation project purposes or contracts. The Department must adopt rules to reflect the use and location of these projects.

