
HOUSE BILL 1793

State of Washington

64th Legislature

2015 Regular Session

By Representatives Lytton, Stanford, Fitzgibbon, Tharinger, and Morris

Read first time 01/29/15. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to working within the existing in-stream flow
2 rules adopted by the department of ecology to provide a suite of
3 tools, applicable to property owners located in areas with limited
4 access to legal new water withdrawals, for alternative water
5 procurement that does not result in a net loss to area surface
6 waters; amending RCW 19.27.097; adding new sections to chapter 90.44
7 RCW; and creating a new section.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that adequate
10 and reliable water supplies are not legally available in many water
11 basins in the state at a quantity that satisfies the state and local
12 potable water requirements for new construction.

13 (2) The legislature further finds that creative, alternative
14 approaches to water procurement are necessary to support new
15 development and economic activity in rural areas that lack access to
16 new, legal water. To be the most protective of human health and
17 safety, the first option for water procurement should always be
18 mitigation alternatives that involve the purchase of an offsetting
19 water right, the use of a water bank, or an extension of physical
20 piped water infrastructure to support any new development.

1 (3) The legislature further finds that since the preferred
2 options of offsetting mitigation, water bank use, or extended
3 infrastructure are not always available or practicable, cities and
4 counties should work with local landowners to develop safe and
5 reliable alternatives to the traditional piped water purveyor or
6 private well for supplying potable water. Although not preferred or
7 appropriate in every instance, a local portfolio of legally allowable
8 alternative water systems, such as cisterns, trucked water systems,
9 and rainwater collection and sanitization systems, can provide a
10 suite of options to assist landowners with matching their water needs
11 with the physical location and limitations of their geographic
12 location.

13 (4) The legislature further finds that any alternative to an
14 approved water purveyor is less preferable than a physical piped
15 water infrastructure system. Whenever possible, and consistent with
16 any limitations under chapter 36.70A RCW, local governments should
17 prioritize investments and improvements in constructing or extending
18 water systems to supply water to rural areas and rural water users.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.44
20 RCW to read as follows:

21 (1)(a) The governing body of each county and city subject to a
22 limitation on new, unmitigated withdrawals from surface or
23 groundwaters in all or part of the governing body's jurisdiction that
24 is not served by an approved water purveyor must develop and adopt
25 specific local ordinances outlining when and how alternative water
26 systems may be used to satisfy the potable water requirements of RCW
27 19.27.097.

28 (b) The alternative water systems that must be allowed to satisfy
29 the potable water requirements of RCW 19.27.097 must include, subject
30 to the limitations and conditions adopted by the local governing
31 body, systems that allow potable water to be received and stored from
32 trucks or other conveyances other than traditional water
33 infrastructure piping.

34 (c) The local governing body may also allow other alternative
35 water systems to satisfy the potable water requirements of RCW
36 19.27.097, such as cisterns and rainwater collection and sanitization
37 systems.

38 (2) Nothing in this section:

1 (a) Prohibits or limits governing bodies that do meet the
2 conditions of subsection (1) of this section from adopting,
3 consistent with state and federal law, local ordinances allowing
4 alternative water systems to satisfy the potable water requirements
5 of RCW 19.27.097;

6 (b) Requires any building applicant to include an alternative
7 water system allowed under RCW 19.27.097 in his or her application
8 for a building permit; or

9 (c) Overrides any requirements of local governments to protect
10 public health or safety.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.44
12 RCW to read as follows:

13 The department must make information available to landowners who
14 are unable to rely on an approved water purveyor or on new,
15 unmitigated withdrawals from surface or groundwaters to satisfy the
16 requirements of RCW 19.27.097 that provides both mitigation options
17 and information on alternative water systems allowed under RCW
18 19.27.040. When appropriate, the information required under this
19 section must be developed and distributed in cooperation with any
20 affected counties.

21 **Sec. 4.** RCW 19.27.097 and 2010 c 271 s 302 are each amended to
22 read as follows:

23 (1)(a) Each applicant for a building permit of a building
24 necessitating potable water shall provide evidence of an adequate
25 water supply for the intended use of the building. Evidence may be in
26 the form of:

27 (i) A water right permit from the department of ecology((τ)).
28 However, an application for a water right is not sufficient proof of
29 an adequate water supply;

30 (ii) A letter from an approved water purveyor stating the ability
31 to provide water((τ)); or

32 (iii) Another form sufficient to verify the existence of an
33 adequate water supply, such as, where allowed under section 2 of this
34 act or other state and local regulations, a private well, a cistern,
35 a rainwater collection and sanitization system, or a system to
36 receive and store water delivered from off-site through a source
37 other than traditional water infrastructure piping.

1 **(b)** In addition to other authorities, the county or city may
2 impose conditions on building permits requiring connection to an
3 existing public water system where the existing system is willing and
4 able to provide safe and reliable potable water to the applicant with
5 reasonable economy and efficiency. (~~An application for a water right~~
6 ~~shall not be sufficient proof of an adequate water supply.~~)

7 (2) Within counties not required or not choosing to plan pursuant
8 to RCW 36.70A.040, the county and the state may mutually determine
9 those areas in the county in which the requirements of subsection (1)
10 of this section shall not apply. The departments of health and
11 ecology shall coordinate on the implementation of this section.
12 Should the county and the state fail to mutually determine those
13 areas to be designated pursuant to this subsection, the county may
14 petition the department of (~~general administration~~) enterprise
15 services to mediate or, if necessary, make the determination.

16 (3) Buildings that do not need potable water facilities are
17 exempt from the provisions of this section.

18 **(4)** The department of ecology, after consultation with local
19 governments, may adopt rules to implement this section, which may
20 recognize differences between high-growth and low-growth counties.

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