

HOUSE BILL REPORT

EHB 1376

As Amended by the Senate

Title: An act relating to exempting the use of certain water storage facilities from the water code permitting requirements.

Brief Description: Exempting the use of certain water storage facilities from the water code permitting requirements.

Sponsors: By Representatives Romero, Dickerson, Schoesler, Hunt, Linville, Eickmeyer, Lantz, Wallace and Kenney.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/4/03, 2/7/03 [DP].

Floor Activity:

Passed House: 2/19/03, 65-32.

Senate Amended.

Passed Senate: 4/17/03, 44-4.

Brief Summary of Engrossed Bill

- Exempts certain rain barrels and similar facilities and the use of water from them from provisions of the water code requiring reservoir and water use permits.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 11 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Hunt, McDermott, Orcutt and Quall.

Staff: Kenneth Hirst (786-7105).

Background:

The water code requires reservoir permits for both surface reservoirs for water and for the storage of water in an underground formation for subsequent use as part of an

underground artificial storage and recovery project. A water right permit, called a "secondary" permit, is also required for the use of the water stored in a surface reservoir.

Summary of Engrossed Bill:

Runoff Storage. A reservoir permit is not required for a rain barrel, cistern, or other similar facility for capturing runoff from roofs, paved areas, and other hard surfaces on a single residential, commercial, or industrial property or public facility. This exemption applies if the total amount of water storage does not exceed 10,000 gallons and the water stored is intended to be put to beneficial use. Neither a water right nor such a right in the form of a secondary permit is required for the use of the water stored in such an exempted facility.

Irrigation Facilities. Exempted from reservoir and secondary use permit requirements are: Facilities for recapturing and reusing return flows for irrigation operations serving a single farm under an existing right, as long as the acres allowed to be irrigated under the right are not expanded; and, under certain specified circumstances, surface storage ponds less than 10 acre feet in volume used to impound irrigation water under an existing water right. Use of such a pond is exempted if it facilitates efficient use of water, or promotes compliance with an approved recovery plan for endangered or threatened species. Its use cannot expand the number of acres irrigated or the annual consumptive quantity of water used. Water remaining in such a pond at the end of an irrigation season may be carried over for use in the next season.

The development and use of these exempted facilities does not constitute a modification of a water right that requires the approval of the Department of Ecology.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment broadens the exemption provided by the bill for certain facilities that capture runoff from hard surfaces by: applying the exemption to storm water facilities that capture water from other than hard surfaces and by adding multi-family residential property to the properties from which the storm water may be captured; removing the 10,000 gallon capacity limitation; and no longer requiring that the captured water be put to beneficial use. The amendment also prohibits the captured storm water from being transferred to or used outside of the watershed of origin, and prohibits the captured storm water from being stored in a manner that creates a mosquito control public nuisance. The amendment deletes provisions that provide an express exemption from water right transfer, change, and amendment laws for the development and use of the irrigation related facilities governed by the bill.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This is one of the recommendations of the Green Building Task Force created by the Legislature last year. The bill would fix the water permit problem. These types of facilities may help address storm water problems.

(Commented) Roof-top harvesting of storm water is part of King County's storm water management plan.

Testimony Against: None

Testified: Representative Romero, prime sponsor.

(Commented) Dave Monthie, King County.