

HOUSE BILL REPORT

SSB 5094

As Reported by House Committee On:
Environment & Energy

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 Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Rolfes, Hasegawa, Kuderer, Nguyen, Pedersen and Salomon).

Brief History:

Committee Activity:

Environment & Energy: 3/20/23, 3/23/23 [DP].

Brief Summary of Substitute Bill

- Requires the Department of Health to ensure that water system plans for Group A community public water systems serving 1,000 or more connections include a climate resilience element, beginning with plans initiated after June 30, 2025, and provide related technical assistance.
- Makes climate readiness planning, design, and infrastructure projects eligible for financing under the Water System Acquisition and Rehabilitation Program, and adds loans as a financing tool for this program.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: Do pass. Signed by 10 members: Representatives Doglio, Chair; Mena, Vice Chair; Barnard, Berry, Duerr, Fey, Lekanoff, Ramel, Slatter and Street.

Minority Report: Do not pass. Signed by 5 members: Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno, Couture and Goehner.

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.

Staff: Megan McPhaden (786-7114).

Background:

Regulation of Public Water System Drinking Water.

The Office of Drinking Water (ODW) within the Department of Health (DOH) has received delegated primary authority from the United States Environmental Protection Agency to administer and enforce federal regulations for primary drinking water requirements from the federal Safe Drinking Water Act. These federal regulations establish primary drinking water requirements for larger public water systems, known as Group A public water systems.

State laws, the State Board of Health, and DOH rules and orders provide additional authorities, consistent with federal requirements, to the ODW to ensure that public water systems provide their customers with an adequate supply of safe drinking water at all times. The rules set drinking water standards and requirements for monitoring, reporting, and responding to emergencies.

The ODW may impose penalties for noncompliance with public water system laws and regulations, and may direct water system owners and operators to resolve known or suspected public health threats.

Water System Plans.

The state rules for Group A public water systems include rules relating to public water system planning and emergency response requirements. The DOH charges fees to Group A public water systems to evaluate and approve water system plans and plan updates, based on the size of the system.

The type of Group A public water system that serves most people in Washington is a Group A community water system, which serves 15 or more year-round service connections, or regularly serves at least 25 or more year-round residents. Group A community water systems must submit a water system plan or plan update to the DOH for approval under various conditions, including if it serves 1,000 or more connections, is proposing to make infrastructure changes, or expand service. According to the DOH, there are 243 water systems that serve 1,000 or more connections in the state.

Water system plans are intended to demonstrate system capacity, demonstrate how the system will address present and future needs, and establish eligibility for the Drinking Water State Revolving Fund Loan Program. 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.

Water System Acquisition and Rehabilitation Program.

The Water System Acquisition and Rehabilitation Program was first funded in the budget in 2003 as a grant program to finance the transfer of ownership of failing drinking water systems to municipal systems, referred to as consolidations. It was established as a permanent program in 2008 to partially cover project costs and is jointly administered by the Public Works Board and the Department of Commerce. The program is subject to appropriation, and must use the procedures and criteria of the Drinking Water State Revolving Fund Loan Program as a model for its guidelines.

University of Washington Climate Impacts Group.

The Climate Impacts Group at the University of Washington conducts research on climate and climate impacts, and delivers guidance for planning and management, among other approaches, with a focus on the Pacific Northwest. The research is primarily supported by project-based grants and contracts from federal, state, and local sources.

Summary of Bill:

Climate Resilience Element for Water System Plans.

Planning Requirements.

Beginning June 30, 2025, the Department of Health (DOH) must ensure water system plans for Group A community water systems serving 1,000 or more connections include a climate resilience element at the time of approval.

The 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.

To fulfill the planning requirements of the climate resilience 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.

Technical Assistance.

The 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 appropriated funding, the University of Washington Climate Impacts Group must assist the DOH in the development of the technical assistance tools.

Financing for Climate Readiness Projects.

Climate readiness projects are eligible for financing under the Water System Acquisition and Rehabilitation Program, and loans are added as a financing tool under this program.

Climate readiness projects include:

- 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.

The DOH must develop grant and loan eligibility criteria and consider applications from water systems that identify climate readiness projects. The Water System Acquisition and Rehabilitation Program is now required to be administered by the DOH, instead of jointly by the Public Works Board and the Department of Commerce.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Climate change can result in many impacts to water supplies. For example, we are already seeing the impacts of climate change through a loss of snowpack, failure to recharge groundwater supplies, saltwater intrusion resulting from sea level rise, more intense and frequent wildfires, floods, landslides, and droughts. We are behind on necessary planning to prevent future harm, but this is a start. Many utilities are not ready, and some are investing in infrastructure projects that could be at risk from these threats. Infrastructure designed for historical climate conditions is more vulnerable to weather extremes. The Washington State Water System Planning Report looked at 36 water systems and found that 75 percent of those were not climate-ready. The costs of extreme weather are already high, increasing, and may become even higher as these events become more common and intense. This bill will help utilities avoid risks and costs in the future. The language in this bill was agreed to by all stakeholders last year and the language passed out of the Senate both last year and this year with strong bipartisan support.

(Opposed) None.

Persons Testifying: Bruce Wishart, Center for Environmental Law and Policy; and Brian Walsh.

Persons Signed In To Testify But Not Testifying: None.