

# HOUSE BILL REPORT

## SSB 6575

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### As Passed House - Amended:

March 4, 2004

**Title:** An act relating to classifications for irrigation district conveyance and drainage facilities.

**Brief Description:** Concerning use classifications for irrigation district conveyance and drainage facilities.

**Sponsors:** By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford and Sheahan).

### Brief History:

#### Committee Activity:

Agriculture & Natural Resources: 2/18/04, 2/25/04 [DPA];  
Appropriations: 2/28/04, 3/1/04 [DPA(AGNR)].

#### Floor Activity:

Passed House - Amended: 3/4/04, 96-0.

### Brief Summary of Substitute Bill (As Amended by House)

- Requires the Department of Ecology (DOE) to conduct a use attainability analysis of water bodies within a federal reclamation project under certain circumstances.
- Requires the DOE to adopt rules designating uses for water bodies within federal reclamation project boundaries if necessary because of a use attainability analysis.

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## HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 13 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Grant, Hunt, McDermott, Orcutt, Quall and Sump.

**Staff:** Caroleen Dineen (786-7156).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Agriculture & Natural Resources. Signed by 27 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Ruderman, Schual-Berke, Sump and Talcott.

**Staff:** Alicia Paatsch (786-7178).

### **Background:**

The federal Clean Water Act (CWA) sets a national goal to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to eliminate pollutant discharges into navigable waters. The CWA sets effluent limitations for discharges of pollutants to navigable waters. The Washington Department of Ecology (DOE) is delegated federal CWA authority by the United States Environmental Protection Agency (EPA) and is the agency authorized to implement state water quality programs.

The CWA requires states to adopt standards to protect fish and other aquatic life and to protect humans using water for recreation, drinking water, and fish. These water quality standards are rules specifying the desired water quality to be achieved or maintained and protecting existing water quality from degradation. Washington's water quality standards consist of:

- designated uses, or desired uses of the water specific to each water body;
- criteria necessary to protect designated uses (may be numeric or narrative limits); and
- the Antidegradation Policy, establishing procedures to follow when considering regulating an activity that might affect a particular water body.

An irrigation district may be created to provide a system of water distribution for irrigation purposes. In addition, an irrigation district has authority to operate a domestic water system for irrigated land owners and operate a drainage or sewage system.

The U.S. Bureau of Reclamation (BOR) manages numerous reclamation projects throughout the Pacific Northwest. Two of these are in eastern Washington. The Columbia Basin project currently includes more than 600,000 irrigated acres. The Yakima project includes six reservoirs that catch and hold more than a million acre-feet of spring runoff in the Cascade Mountains.

### **Summary of Amended Bill:**

At the request of the BOR or of federal reclamation project irrigation districts, the DOE must (as resources allow) conduct a use attainability analysis of water bodies located within federal reclamation project boundaries. If necessary because of a use attainability analysis, the DOE must adopt rules designating uses for water bodies within federal reclamation project boundaries. The DOE rules must support beneficial uses and must:

- be consistent with the primary authorized project purposes of constructed storage and conveyance facilities and other water transport systems;
- recognize the unique site-specific characteristics of the arid and semiarid regions in which federal reclamation projects are located;
- recognize the need to deliver project irrigation water; and
- recognize the need to construct, operate, and maintain project facilities.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (Agriculture & Natural Resources) The bill allows the irrigation districts and the BOR to work collaboratively with the DOE to conduct a project-wide use attainability analysis for water bodies within federal reclamation project areas. The water bodies addressed in this bill are designed for safety and need to be kept under control of the irrigation districts. The water quality standards adopted by the DOE in 2003 includes provisions for conducting a use attainability analysis, and the new standards should facilitate this kind of scientific review. The bill also requires the DOE to adopt rules emerging from the use attainability analysis. The bill requires the analysis as the DOE's resources allow to mitigate the bill's fiscal impact. The irrigation districts' association and the DOE worked on the language of the substitute to address the DOE's concerns.

(Concerns) The bill seems to push use standards that are consistent with reclamation project purposes. Hopefully the requirement for consistency with federal water quality laws will address this concern.

**Testimony For:** (Appropriations) The Department of Ecology (Department) adopted a new use-based classification system for water bodies in the state last year. The Department agrees that the uses for a number of water bodies within reclamation project boundaries are not correctly designated. The requirements of this bill are believed to be within the current programmatic element. This bill is not funded, and new funding is not being requested.

**Testimony Against:** (Agriculture & Natural Resources) None.

**Testimony Against:** (Appropriations) None.

**Persons Testifying:** (Agriculture & Natural Resources) (In support) Senator Honeyford, prime sponsor; Mike Schwisow, Washington State Water Resources Association; and Dave Peeler, Washington State Department of Ecology.

(With concerns) Josh Baldi, Washington Environmental Council.

**Persons Testifying:** (Appropriations) Mike Schwisow, Washington State Water Resources Association

**Persons Signed In To Testify But Not Testifying:** (Agriculture & Natural Resources) None.

**Persons Signed In To Testify But Not Testifying:** (Appropriations) None.