

SENATE BILL REPORT

SB 6575

As Reported By Senate Committee On:
Natural Resources, Energy & Water, February 5, 2004

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

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

Sponsors: Senators Honeyford and Sheahan.

Brief History:

Committee Activity: Natural Resources, Energy & Water: 1/28/04, 2/5/04 [DPS-WM].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: That Substitute Senate Bill No. 6575 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

Staff: Richard Rodger (786-7461)

Background: The Department of Ecology designates "uses" for each water body in the state. Uses include items such as swimming, fishing, aquatic life habitat, and agricultural and domestic water supplies. Once the state has designated a use or uses for a water body, water quality standards designed to protect those uses must be adopted and enforced. If the set water quality standards are not met for the designated uses, the department must develop and implement a total maximum daily load analysis for waters.

A state may, under certain circumstances, remove or modify a water body's designated use. To receive Environmental Protection Agency approval for such a change, a supporting "use attainability analysis" must be performed.

"Use attainability analysis" is a structured scientific assessment of the factors affecting the attainment of a designated use in a water body. The assessment may include consideration of physical, chemical, biological and economic factors.

Summary of Substitute Bill: The Department of Ecology will, as resources allow, at the request of the United States Bureau of Reclamation and federal reclamation project irrigation districts, cooperatively conduct a use attainability analysis of water bodies located within the boundaries of the federal reclamation project.

The department must adopt rules designating uses for water bodies within the federal reclamation project, consistent with federal laws and regulations, that support beneficial uses consistent with primary authorized project purposes of constructed storage and conveyance

facilities. The rules must recognize the unique site-specific characteristics of the arid and semi-arid regions of the state of Washington where federal reclamation projects are located.

The rules must also recognize the need to deliver water and the associated activities necessary to operate the project's facilities.

Substitute Bill Compared to Original Bill: The original bill mandated the Department of Ecology undertake actions without regard to the resources available. The department is directed to adopt rules consistent with federal laws and regulation. The rule-making process is directed to consider beneficial uses that are consistent with the project's purposes and recognize the need to deliver water and support the necessary infrastructure.

Appropriation: None.

Fiscal Note: Requested on January 26, 2004.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The Department of Ecology's new "use-based" classification of the state's waters is not compatible with ongoing projects operated by federal reclamation project irrigation districts. These projects were built for the purpose of irrigation; however, the new classification system uses classifications based upon the source of the water, e.g. the Columbia River. These new classifications cause irrigation district waters to be listed as impaired waters, when the water is not impaired for its intended use of irrigation.

Testimony Against: The original bill conflicts with federal law on changing designated "uses." The Department of Ecology intends to work with the Bureau of Reclamation and irrigation districts to resolve these complex issues.

Testified: Mike Schwisow, WA State Water Resources Association (pro); Dave Peeler, DOE (con).