

HOUSE BILL REPORT

HB 2584

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to rainwater collection facilities.

Brief Description: Regarding rainwater collection facilities.

Sponsors: Representatives McCoy, O'Brien, Lantz, Linville, VanDeWege, Appleton, Moeller, Morrell, Dunshee, Sells, Hunt, Roberts, McIntire, Goodman, Rolfes, Chase and Loomis.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/23/08, 2/5/08 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Ecology (DOE) to adopt rules by June 30, 2009, that delineate storage thresholds that qualify for a permit exemption for rain harvesting.
- Specifies that a water right does not result from the harvesting of rainwater.
- Authorizes the DOE to issue general permits that can address conditions for specific geographic areas under which rainwater harvesting systems may be constructed and operated.
- Allows any person collecting and using rainwater before the effective date of this legislation to continue to do so without obtaining a permit.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by 7 members: Representatives Blake, Chair; Van De Wege, Vice Chair; Eickmeyer, Lantz, Loomis, McCoy and Nelson.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 6 members: Representatives Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Grant, Kristiansen, Newhouse and Orcutt.

Staff: Jaclyn Ford (786-7339).

Background:

The Department of Ecology (DOE) permits the appropriation of water for beneficial use. Building ditches, canals, or other construction projects requires a permit from the DOE.

Reservoir permits, also known as secondary permits, are required for the collection of either surface or underground water for use as part of an underground artificial storage project. Reservoir permits do not include facilities that capture and reuse return flow from irrigation operations, or small lined irrigation impoundments less than 10 acre feet in volume.

Summary of Substitute Bill:

The owner of a rainwater harvesting system designed to capture, store, and use rainwater runoff from roofs, paved areas, or other artificial surfaces is exempt from any permit requirements if the water is put to use on the same property where it was harvested and the harvesting, storage, and use complies with all DOE rules. The DOE will adopt rules by June 30, 2009, that delineate storage thresholds that qualify for the permit exemption. The DOE is also required to conduct a scientific study to substantiate all thresholds and permit specifications.

The DOE will issue general permits that may address specific geographic areas. They may also specify conditions under which rainwater harvesting systems may be constructed and operated in order to protect existing water rights and to prevent harm, such as reduced instream flows or significant reductions in flow levels to existing streams or water bodies.

Rainwater harvested, stored, and used does not result in a water right.

All people collecting and using rainwater before the effective date of the legislation may continue to do so without obtaining a permit. After the effective date of this legislation, all new rainwater harvesting systems must comply with the final rules or general permits.

Substitute Bill Compared to Original Bill:

In this bill the DOE will adopt rules by June 30, 2009, that delineate storage thresholds that qualify for the permit exemption. Also, the owner of a rainwater harvesting system designed to capture, store, and use rainwater runoff from roofs, paved areas, or other artificial surfaces is exempt from permit requirements if the water is put to use on the same property where it was harvested and it meets the exemption threshold established by rule by the DOE. In this bill, the DOE will issue general permits that can address conditions for specific geographic areas under which rainwater harvesting systems may be constructed and operated. In this bill, the DOE is required to conduct a scientific study to substantiate all thresholds and permit

specifications. Any persons collecting and using rainwater before the effective date of this legislation may continue to do so without obtaining a permit and after the effective date of this legislation. All new rainwater harvesting systems must comply with the final rules or general permits.

Appropriation: None.

Fiscal Note: Available. A new fiscal note has been requested on the substitute bill on February 6, 2008.

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

Staff Summary of Public Testimony:

(In support) There was vast stakeholder participation in the creation of this current legislation. Five thousand gallons is the size of a residential swimming pool; people will be exempt from a permit for a swimming pool size catchment to refill when it rains.

(With concerns) The impact is unknown on the groundwater recharge. This bill would discourage water storage and be adverse to LEED buildings. It seems as though Seattle gets different rules than eastern Washington. Five thousand gallons is a low number. Water capture is negligible on the environment. It would be easier to grandfather in all existing systems rather than make them comply with new rules. This bill expands opportunity for people. This may have unintended consequences, it would be better to have the exemption at 3,000 gallons. Irrigation of yards and small gardens is 90 percent consumptive and does not recharge the aquifer.

(Opposed) The bill should allow for collection outside of non-permeable surfaces. Rulemaking and permitting at the DOE is too slow. The DOE already is making rules, so they already have the authority to do what is prescribed in the bill. This should be in a whole new section not in the water code.

Persons Testifying: (In support) Representative McCoy, prime sponsor; Ken Slattery, Department of Ecology; Ed Field, Washington Cattle Feeders; Bruce Wishart, People for Puget Sound; and Terri Hotvedt, American Society of Landscape Architects.

(With concerns) Chris McCabe, Association of Washington Business; Sue Gunn and Michael Meyer, Center for Environmental Law and Policy; Stan Bowman, American Institute of Architects; Darcy Nonemacher, American Rivers; and Dawn Vyvyan, Yakima Nation.

(Opposed) Scott Hazelgrove, Cadman Inc.; and Kathleen Collins, Washington Water Policy Alliance.

Persons Signed In To Testify But Not Testifying: None.