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**SUBSTITUTE SENATE BILL 5094**

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**State of Washington 68th Legislature 2023 Regular Session**

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

AN ACT Relating to adding a climate resilience element to water system plans; amending RCW 70A.125.180; adding a new section to chapter 43.20 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that climate change impacts pose a significant threat to Washington's drinking water supplies. According to the University of Washington's climate impacts group, the state is projected to experience decreases in snowpack, increases in stream temperatures, and widespread changes in streamflow timing, flooding, and summer minimum flows. These impacts are critical, since the state's drinking water supply is comprised of the affected groundwater sources, surface waters, and snowpack and snowmelt, which recharge rivers, lakes, and aquifers.

(2) Climate change is also increasing the frequency of heavier, more intense rainstorms, which in turn increases the threat of flooding for many of Washington's communities and rural areas. In addition to the immediate health threats from flooding, flood waters can damage and contaminate wells and water treatment plants, resulting in short-term outages and increased risk of waterborne diseases in drinking water. These risks come from higher levels of pathogens in the runoff from the areas around drinking water wells and surface water intakes and from flooding of the wells themselves.

(3) Competing demands for water among fish, forests, farms, and people are growing as changes in temperature and weather patterns affect seasonal availability of water supplies. These demands, which can interrupt the storage and recharge of water in the state's rivers, lakes, and aquifers, also threaten the availability of drinking water supply.

(4) As a result of these impacts, many Washington communities, government agencies, and organizations are preparing for the impacts of climate change on water resources. Therefore, to promote this important effort, the legislature intends to incorporate climate resiliency planning as a part of water system plans to assess the risks posed to drinking water systems and better inform decisions concerning the replacement or improvement of infrastructure. By doing so, the legislature intends to better prepare our communities for the impacts of climate change on drinking water systems.

NEW SECTION. **Sec.**  A new section is added to chapter 43.20 RCW to read as follows:

(1)(a) Beginning with water system plans initiated after June 30, 2025, the department shall ensure water system plans for group A community public water systems serving 1,000 or more connections include a climate resilience element at the time of approval.

(b) The department 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.

(c) The department shall 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.

(d) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington climate impacts group shall assist the department in the development of tools for the technical assistance to be provided in (c) of this subsection.

(2) To fulfill the requirements of the climate resilience element, water systems must:

(a) Determine which extreme weather events pose significant challenges to their system and build scenarios to identify potential impacts;

(b) Assess critical assets and the actions necessary to protect the system from the consequences of extreme weather events on system operations; and

(c) Generate reports describing the costs and benefits of the system's risk reduction strategies and capital project needs.

(3) Climate readiness projects, including planning to meet the requirements of this section and actions to protect a water system from extreme weather events, including infrastructure and design projects, are eligible for financial assistance under RCW 70A.125.180. The department must develop grant and loan eligibility criteria and consider applications from water systems that identify climate readiness projects.

**Sec.**  RCW 70A.125.180 and 2020 c 20 s 1359 are each amended to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall provide financial assistance through a water system acquisition and rehabilitation program, hereby created. ((~~The program shall be jointly administered with the public works board and the department of commerce.~~)) The ((~~agencies~~)) department shall adopt guidelines for the program using as a model the procedures and criteria of the drinking water revolving loan program authorized under RCW 70A.125.160. All financing provided through the program must be in the form of grants or loans that partially cover project costs, including projects and planning required under section 2 of this act. The maximum grant or loan to any eligible entity may not exceed ((~~twenty-five~~)) 25 percent of the funds allocated to the appropriation in any fiscal year.

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