
SUBSTITUTE SENATE BILL 5094

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)

READ FIRST TIME 02/03/23.

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

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

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

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

1 pathogens in the runoff from the areas around drinking water wells
2 and surface water intakes and from flooding of the wells themselves.

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

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

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20
19 RCW to read as follows:

20 (1)(a) Beginning with water system plans initiated after June 30,
21 2025, the department shall ensure water system plans for group A
22 community public water systems serving 1,000 or more connections
23 include a climate resilience element at the time of approval.

24 (b) The department must update its water system planning
25 guidebook to assist water systems in implementing the climate
26 resilience element, including guidance on any available technical and
27 financial resources.

28 (c) The department shall provide technical assistance to public
29 water systems based on their system size, location, and water source,
30 by providing references to existing state or federal risk management,
31 climate resiliency, or emergency management and response tools that
32 may be used to satisfy the climate resilience element.

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

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

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

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

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

9 (3) Climate readiness projects, including planning to meet the
10 requirements of this section and actions to protect a water system
11 from extreme weather events, including infrastructure and design
12 projects, are eligible for financial assistance under RCW
13 70A.125.180. The department must develop grant and loan eligibility
14 criteria and consider applications from water systems that identify
15 climate readiness projects.

16 **Sec. 3.** RCW 70A.125.180 and 2020 c 20 s 1359 are each amended to
17 read as follows:

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

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