

Sec. 9. Section 15, chapter 344, Laws of 1987 and RCW 19.118.160 are each amended to read as follows:

If the attorney general is unable(~~(, or will be unable,)~~) at any time to contract with private entities to conduct arbitrations under the procedures and standards in this chapter, (~~(by January 1, 1988,)~~) the attorney general shall establish one or more new motor vehicle arbitration boards. Each such board shall consist of three members appointed by the attorney general, only one of whom may be directly involved in the manufacture, distribution, sale, or service of any motor vehicle. Board members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated pursuant to RCW 43.03.240.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1989.

Passed the House April 23, 1989.
Passed the Senate April 23, 1989.
Approved by the Governor May 12, 1989.
Filed in Office of Secretary of State May 12, 1989.

CHAPTER 348

[Substitute House Bill No. 1397]

WATER USE EFFICIENCY AND CONSERVATION

AN ACT Relating to water use efficiency and conservation; amending RCW 90.54.020, 90.03.005, 90.54.120, 90.03.360, and 19.27.031; adding new sections to chapter 90.54 RCW; adding a new section to chapter 19.27 RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.48 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 225, Laws of 1971 ex. sess. as amended by section 2, chapter 399, Laws of 1987 and RCW 90.54.020 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power

production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

(5) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(6) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to

traditional development approaches, improved water use efficiency and conservation shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state.

(7) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

(8) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

(9) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

(10) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

Sec. 2. Section 8, chapter 216, Laws of 1979 ex. sess. and RCW 90.03.005 are each amended to read as follows:

It is the policy of the state to promote the use of the public waters in a fashion which provides for obtaining maximum net benefits arising from both diversionary uses of the state's public waters and the retention of waters within streams and lakes in sufficient quantity and quality to protect instream and natural values and rights. Consistent with this policy, the state supports economically feasible and environmentally sound development of physical facilities through the concerted efforts of the state with the United States, public corporations, Indian tribes, or other public or private entities. Further, based on the tenet of water law which precludes wasteful practices in the exercise of rights to the use of waters, the department of ecology shall reduce these practices to the maximum extent practicable, taking into account sound principles of water management, the benefits and costs of improved water use efficiency, and the most effective use of public and private funds, and, when appropriate, to work to that end in concert with the agencies of the United States and other public and private entities.

NEW SECTION. Sec. 3. (1) Nothing in this act shall affect or operate to impair any existing water rights.

(2) Nothing in this act shall be used to prevent future storage options, recognizing that storage may be necessary as a method of conserving water to meet both instream and out-of-stream needs.

(3) Nothing in this act shall infringe upon the rate-making prerogatives of any public water purveyor.

(4) Nothing in this act shall preclude the joint select committee on water resource policy from reviewing any subject matter contained herein for any future modifications.

***Sec. 4. Section 13, chapter 225, Laws of 1971 ex. sess. and RCW 90-.54.120 are each amended to read as follows:**

For the purposes of this chapter, unless the context is clearly to the contrary, the following definitions shall be used:

(1) "Department" means department of ecology.

(2) "Utilize" or "utilization" shall not only mean use of water for such long recognized consumptive or nonconsumptive beneficial purposes as domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, thermal power production, mining, recreational, maintenance of wildlife and fishlife purposes, but includes the retention of water in lakes and streams for the protection of environmental, scenic, aesthetic and related purposes, upon which economic values have not been placed historically and are difficult to quantify.

(3) "Water use efficiency" means those measures, projects, practices, or techniques which result in a net water savings that cost less than obtaining an equivalent amount of water from the next least costly source of supply.

(4) "Greywater" means water collected from the shower, bath, kitchen and bathroom sinks, and washing machine.

*Sec. 4 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 90.54 RCW to read as follows:

Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following:

(1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred.

(2) Increased water use efficiency should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, waste water recycling, and impoundment of waters.

(3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses.

(4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to section 12(1) of this act.

(5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; and areas where projected water needs, including those for instream flows, exceed available supplies.

(6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public education on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes.

Sec. 6. Section 37, chapter 117, Laws of 1917 as amended by section 92, chapter 109, Laws of 1987 and RCW 90.03.360 are each amended to read as follows:

The owner or owners of any ditch or canal shall maintain, to the satisfaction of the department of ecology, substantial controlling works, and a measuring device at the point where the water is diverted, and these shall be so constructed and maintained as to permit ((of)) accurate measurement and practical regulation of the flow of water diverted into said ditch or canal. Every owner or manager of a reservoir for the storage of water shall construct and maintain, when required by the department, any measuring device necessary to ascertain the natural flow into and out of said reservoir.

Metering of diversions or measurement by other approved methods may be required as a condition for all new water right permits. The department may also require, as a condition for such permits, reports regarding such metered diversions as to the amount of water being diverted. Such reports shall be in a form prescribed by the department.

NEW SECTION. Sec. 7. A new section is added to chapter 90.44 RCW to read as follows:

The department of ecology may require withdrawals of ground water to be metered, or measured by other approved methods, as a condition for a new water right permit. The department may also require, as a condition for such permits, reports regarding such withdrawals as to the amount of water being withdrawn. These reports shall be in a form prescribed by the department.

NEW SECTION. Sec. 8. A new section is added to chapter 19.27 RCW to read as follows:

(1) The state building code council shall adopt rules under chapter 34-.05 RCW that implement and incorporate the water conservation performance standards in subsections (3) and (4) of this section. These standards shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water.

(2) The legislature recognizes that a phasing-in approach to these new standards is appropriate. Therefore, standards in subsection (3) of this section shall take effect on July 1, 1990. The standards in subsection (4) of this section shall take effect July 1, 1993.

(3) Standards for water use efficiency effective July 1, 1990.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

- Tank-type toilets 3.5 gpf.
- Flushometer-valve toilets 3.5 gpf.
- Flushometer-tank toilets 3.5 gpf.
- Electromechanical hydraulic toilets 3.5 gpf.

(b) Standard for urinals. The guideline for maximum water use allowed for any urinal is 3.0 gallons per flush.

(c) Standard for showerheads. The guideline for maximum water use allowed for any showerhead is 3.0 gallons per minute.

(d) Standard for faucets. The guideline for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:

- Bathroom faucets 3.0 gpm.
- Lavatory faucets 3.0 gpm.
- Kitchen faucets 3.0 gpm.
- Replacement aerators 3.0 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

(f) No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.

(4) Standards for water use efficiency effective July 1, 1993.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

- Tank-type toilets 1.6 gpf.
- Flushometer-tank toilets 1.6 gpf.
- Electromechanical hydraulic toilets 1.6 gpf.

(b) Standards for urinals. The guideline for maximum water use allowed for any urinal is 1.0 gallons per flush.

(c) Standards for showerheads. The guideline for maximum water use allowed for any showerhead is 2.5 gallons per minute.

(d) Standards for faucets. The guideline for maximum water use allowed in gallons per minute for any of the following faucets and replacement aerators is the following:

- Bathroom faucets 2.5 gpm.
- Lavatory faucets 2.5 gpm.
- Kitchen faucets 2.5 gpm.
- Replacement aerators 2.5 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by water pressure when unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous basis shall be permitted.

(5) The building code council shall make an assessment regarding the low-volume fixtures required under subsection (4) of this section. The assessment shall consider the availability of low-volume fixtures which are technologically feasible, will operate effectively, and are economically justified. The council shall also assess the potential impact on the necessary flow or water required to insure sewerage or septic lines and treatment plants will effectively operate.

The council shall submit a report to the chief clerk of the house of representatives and the secretary of the senate by October 30, 1992, setting forth its conclusions, and any recommendations for legislative action.

(6) The water conservation performance standards shall supersede all local government codes. After July 1, 1990, cities, towns, and counties shall not amend the code revisions and standards established under subsection (3) or (4) of this section.

Sec. 9. Section 5, chapter 360, Laws of 1985 and RCW 19.27.031 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

- (1) Uniform Building Code and Uniform Building Code Standards, 1982 edition, published by the International Conference of Building Officials;
- (2) Uniform Mechanical Code, 1982 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;
- (3) The Uniform Fire Code and Uniform Fire Code Standards, 1982 edition, published by the International Conference of Building Officials and

the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) Except as provided in section 8 of this act, the Uniform Plumbing Code and Uniform Plumbing Code Standards, 1982 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted; and

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided in RCW 70.92.100 through 70.92.160.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

The council may issue opinions relating to the codes at the request of a local building official.

NEW SECTION. Sec. 10. A new section is added to chapter 90.48 RCW to read as follows:

The department of ecology shall require sewer plans to include a discussion of water conservation measures considered or underway and their anticipated impact on public sewer service.

NEW SECTION. Sec. 11. A new section is added to chapter 90.54 RCW to read as follows:

(1) The department of ecology may establish a task force to assist in a state-wide evaluation of irrigated areas, not to exceed six months in duration, to determine the associated impacts of efficiency measures, efficiency opportunities, and local interest. The department and the task force shall establish a list of basin and stream efficiency initiatives and select an irrigation area for a voluntary demonstration project.

(2) Prior to conducting conservation assessments and developing conservation plans, the department of ecology shall secure technical and financial assistance from the bureau of reclamation to reduce the costs to the state to the extent possible.

(3) A "conservation assessment" as described in this section shall be conducted before a demonstration project to increase the efficiency of irrigated agriculture is undertaken for an irrigated area, a basin, subbasin, or stream. The conservation assessment should:

(a) Evaluate existing patterns, including current reuse of return flows, and priorities of water use;

(b) Assess conflicting needs for future water allocations and claims to reserved rights;

(c) Evaluate hydrologic characteristics of surface and ground water including return flow characteristics;

(d) Assess alternative efficiency measures;

(e) Determine the likely net water savings of efficiency improvements including the amount and timing of water that would be saved and potential benefits and impacts to other water uses and resources including effects on artificial recharge of ground water and wetland impacts;

(f) Evaluate the full range of costs and benefits that would accrue from various measures; and

(g) Evaluate the potential for integrating conservation efforts with operation of existing or potential storage facilities.

(4) The conservation assessment shall be used as the basis for development of a demonstration conservation plan to rank conservation elements based on relative costs, benefits, and impacts. It shall also estimate the costs of implementing the plan and propose a specific basis for cost share distributions.

The demonstration conservation plan shall be developed jointly by the department and a conservation plan formulation committee consisting of representatives of a cross-section of affected local water users, members of the public, and tribal governments. Other public agencies with expertise in water resource management may participate as nonvoting committee members. A proposed demonstration conservation plan may be approved by the department and the committee only after public comment has been received.

(5) The department shall reimburse any members of the task force in subsection (2) of this section or of the committee in subsection (4) of this section who are not representing governmental agencies or entities for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 12. A new section is added to chapter 43.20 RCW to read as follows:

Consistent with the water resource planning process of the department of ecology, the department of social and health services shall, contingent on the availability of funds:

(1) Develop procedures and guidelines relating to water use efficiency, as defined in section 4(3) of this act, to be included in the development and approval of cost-efficient water system plans required under RCW 43.20.050;

(2) Develop criteria, with input from technical experts, with the objective of encouraging the cost-effective reuse of greywater and other water recycling practices, consistent with protection of public health and water quality; and

(3) Provide advice and technical assistance upon request in the development of water use efficiency plans and model rate-setting formulas.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the House April 18, 1989.

Passed the Senate April 6, 1989.

Approved by the Governor May 12, 1989, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 12, 1989.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 4, Substitute House Bill No. 1397 entitled:

"AN ACT Relating to water use efficiency and conservation."

The definition of "water use efficiency" contained in section 4 uses the concepts and terminology utilized in the energy conservation arena. I agree that the work done with respect to energy conservation should be the model for use in water conservation. However, the definition contained in this bill does not match the concept utilized by the Northwest Power Planning Council.

The federal legislation which introduced the successful implementation of this concept is the Northwest Power Act. That act makes explicit and repeated provision for consideration of environmental values. For example, the Northwest Power Act provides that costs include "such quantifiable environmental costs and benefits as the Administrator determines.....are directly attributable to such measure or resource." The federal legislation further provides for methods to determine quantifiable environmental costs and benefits.

To assure conformity with existing state laws, such as the State Environmental Policy Act, the Department of Ecology must interpret "water use efficiency" to require explicit consideration of environmental and other public costs of efficiency measures and of alternative sources of water supply.

In the absence of a statutory definition, the Department of Ecology shall interpret the term "water use efficiency" in a manner which is consistent with existing state law and based on the least cost approach used by the Northwest Power Planning Council.

With the exception of section 4, Substitute House Bill No. 1397 is approved."

CHAPTER 349

[Substitute House Bill No. 1369]

WATERFRONT SEWER SYSTEMS—REPAIR—STANDARDS

AN ACT Relating to the repair of waterfront sewer systems; adding new sections to chapter 70.118 RCW; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

***NEW SECTION. Sec. 1.** *A new section is added to chapter 70.118 RCW to read as follows:*

The legislature finds that:

- (1) *Many saltwater-front lots were developed without adequate means of sewage disposal;*
- (2) *Installation of community sewers is not practical in many of these areas;*