



SB 598 Relating to discharge of water into district facilities

WHAT THE BILL DOES

SB 598 finds it in the public interest to encourage agreements between government bodies and irrigation districts to address problems caused by government body discharges of drainage and storm water into irrigation district facilities and to control, monitor and test the quality of the drainage and storm water discharged.

SB 598 allows a government body to discharge into an irrigation facility only pursuant to an intergovernmental agreement that provides for the allocation of liability, the development of emergency response protocols, and the development of a program to monitor and test the water quality associated with the non-agricultural discharges.

SB 598 provides that a government body that discharges non-agricultural water into an irrigation district without an agreement is liable to the irrigation district for all losses, costs, damages and other consequences of the discharges. SB 598 provides an operative date of one year after the effective date of the Act.

WHY THE BILL IS NEEDED

Some non-agricultural discharges, including urban drainage and storm water runoff, contain commercial or industrial pollutants. Non-agricultural discharges may jeopardize the exemption from National Pollutant Discharge Elimination System (NPDES) permitting requirements currently enjoyed by most districts under the federal Clean Water Act. When non-agricultural discharges occur in the absence of agreement or consent by the receiving irrigation district, several questions arise:

- Are irrigation district operations still in compliance with the federal Clean Water Act?
- What potential liability exists for the irrigation district with respect to non-agricultural discharges that potentially degrade water quality (both for return river flows and for contaminants in irrigation water deliveries to farms)?
- Does the irrigation district have the physical capacity to safely handle the anticipated increase in flows volume?
- What potential liability exists when non-agricultural discharges overwhelm the containment and delivery capacity of the irrigation district, subsequently resulting in flooded roads and fields?
- What entity is ultimately liable?
- How are the increased costs of ditch repairs, operations and management, water quality monitoring and other expenses allocated among all parties?

BACKGROUND

Many areas near existing irrigation facilities across Oregon are becoming urbanized. With urbanization comes increased interest in discharging associated storm water or treated wastewater into conveniently-located irrigation district canals, ditches, drains and other waterways.

The U.S. Environmental Protection Agency is considering new rules that could expand the range of activities subject to federal National Pollutant Discharge Elimination System (NPDES) permitting requirements. Currently, irrigation district operations are recognized as agricultural exemptions. However, through urban discharges, the character of the water could be altered, putting the irrigation operations in jeopardy.

CONTACT INFORMATION

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