

ANALYSIS OF ESSB 5725

House Agriculture & Ecology Committee

March 31, 1997

BACKGROUND:

In 1992, the Legislature enacted the Reclaimed Water Act to encourage and facilitate water reuse. Reclaimed water is an effluent derived from a wastewater treatment system that has been treated so that it is suitable for a beneficial use. The act requires a permit from the Department of Health for commercial or industrial uses of reclaimed water, and a permit from the Department of Ecology for land application of reclaimed water. A reclaimed water permit may only be issued to a unit of local government or to the holder of a water quality discharge permit.

A generator permitted under the Reclaimed Water Act may distribute the water subject to provisions in the permit governing the location, rate, water quality, and use. However, the act is silent on whether this use constitutes a new water right.

SUMMARY:

The owner of a wastewater treatment facility that generates reclaimed water under a reclaimed water permit has the exclusive right to that water. A permit for a new water right is not required. The facility may not impair any existing water right unless compensation is agreed to by the holder of the affected water right.