

# HOUSE BILL REPORT

## ESSB 5725

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**As Passed House-Amended:**

April 10, 1997

**Title:** An act relating to reclaimed water.

**Brief Description:** Changing provisions relating to reclaimed water.

**Sponsors:** Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker and McDonald).

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 3/31/97, 4/3/97 [DPA].

**Floor Activity:**

Passed House-Amended: 4/10/97, 96-0.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

**Staff:** Bill Lynch (786-7092).

**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.

Reclaimed water is specifically authorized to be used for surface spreading if the reclaimed water meets the criteria for groundwater recharge, is incorporated into a sewer or water comprehensive plan, and is approved by the Department of Ecology or

the Department of Health. There is no authority for the Department of Ecology to authorize the use of reclaimed water that does not meet the groundwater recharge criteria for surface spreading.

The use of reclaimed water is also specifically authorized for discharge into created wetlands so long as the water meets class A reclaimed water standards, the discharge is incorporated into a sewer or water comprehensive plan, and is approved by the Department of Health or the Department of Ecology. Reclaimed water that does not meet Class A reclaimed water standards may be discharged into created wetlands when specifically authorized by the Department of Ecology in conjunction with a pilot project to test the use of created wetlands for advanced treatment.

Agencies are not precluded from adopting a definition that is more stringent than the definition adopted by the United States Army Corps of Engineers when implementing the reclaimed water laws.

**Summary of Bill:** 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 downstream from any freshwater discharge points of such facilities unless compensation is agreed to by the holder of the affected water right.

Any revenues from the reclaimed water facility must be used to offset the cost of operating the wastewater utility fund or other system-wide funding. If the reclaimed water will augment, replace, or develop potable water supplies, it must be considered in the regional water supply plan development. The owner of a wastewater facility must be included in the development of a regional water supply plan.

Reclaimed water that does not meet the groundwater recharge criteria may be used for surface percolation when the Department of Ecology, in consultation with the Department of Health, has specifically authorized this use at a lower standard.

Reclaimed water may be discharged into constructed beneficial use wetlands or constructed treatment wetlands if the water meets the Class A or B reclaimed water standards. Reclaimed water that does not meet the Class A or B reclaimed water standards may be discharged into constructed treatment wetlands when specifically authorized by the Department of Ecology in consultation with the Department of Health. The requirement that a discharge of reclaimed water under lower standards must be in conjunction with a pilot program is deleted. The Department of Ecology and Department of Health must develop and implement standards for discharging reclaimed water into constructed beneficial use wetlands and constructed treatment wetlands.

When plans are submitted to the Department of Ecology for the construction of new sewerage systems, sewage treatment or disposal systems, or improvements to those systems, they must include consideration of opportunities for using reclaimed water.

The Department of Health and the Department of Ecology must report on the progress of implementing the reclaimed water laws to the House Agriculture and Ecology Committee and the Senate Agriculture and Environment Committee by December 15, 1997.

The Department of Health must develop standards, procedures, and guidelines for the reuse of greywater by January 1, 1998. The Department of Health and local health officers may permit the use of greywater under rules adopted by the department.

Agencies must delineate wetlands in accordance with the 1987 manual adopted by the United States Army Corps of Engineers.

Changes are made in terminology and other technical changes are made.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** There is an urgency to move forward with legislation. King County could use reclaimed water during peak water use months of summer. The wastewater system is already at capacity.

**Testimony Against (original):** This bill is premature. Some cities are concerned with King County becoming a water purveyor.

**Testified:** Walter Canter and Ron Spears, Washington State Water and Sewer; Pat Hankins, City of Sea-Tac; Mary Gates, City of Federal Way; Pam Bissonnette, King County Department of Natural Resources; Lori Johnson, R.D. Merrill Co., Arrowleaf Destination Resort; and Joe Daniels, Washington Association of Sewer and Water Districts (in favor). Margaret Pageler, City of Seattle (concerns).