

FINAL BILL REPORT

ESSB 5725

C 444 L 97

Synopsis as Enacted

Brief Description: Changing provisions relating to reclaimed water.

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

Senate Committee on Agriculture & Environment

House Committee on Agriculture & Ecology

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 may be used for surface spreading if the reclaimed water meets the criteria for groundwater recharge and is incorporated into a sewer or water comprehensive plan. There is no authority for the Department of Ecology to authorize surface spreading of reclaimed water that does not meet the groundwater recharge criteria.

Reclaimed water may be discharged into created wetlands if the water meets class A reclaimed water standards and the discharge is incorporated into a sewer or water comprehensive plan. 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.

Water use efficiency legislation enacted in 1989 directed the Department of Health to develop criteria for the use of greywater, consistent with protection of public health and water quality. Greywater is residential, domestic wastewater from sinks, showers, or laundry fixtures. The department has developed interim standards and is evaluating a municipal pilot program to test the effectiveness of the standards.

Summary: The owner of a wastewater treatment facility that is reclaiming water with a reclaimed water permit has the exclusive right to that water. The use of reclaimed water cannot impair any existing water right downstream of the discharge point of the wastewater facility. Revenues from the use of reclaimed water may be used only to offset the costs of

the wastewater utility. If the proposed use of the reclaimed water would replace potable water supplies, the use of reclaimed water must be consistent with regional water supply plans.

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.

Created wetlands defined in the Reclaimed Water Act are divided into two classes. Constructed beneficial use wetlands are wetlands constructed to replace natural wetland functions and values. Constructed treatment wetlands are wetlands constructed for the primary purpose of wastewater or storm water treatment. Both types of wetlands must be delineated according to the 1987 manual adopted by the Army Corps of Engineers.

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 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 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.

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.

Votes on Final Passage:

Senate	49	0	
House	96	0	(House amended)
House	96	0	(House amended on reconsideration)
Senate	41	0	(Senate concurred)

Effective: July 27, 1997