

HOUSE BILL REPORT

HB 1548

As Reported By House Committee On:

Agriculture & Ecology

Title: An act relating to industrial reclaimed water.

Brief Description: Regarding industrial reclaimed water.

Sponsors: Representatives G. Chandler, Linville, Mastin and Koster.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/18/99, 3/2/99 [DPS].

Brief Summary of Substitute Bill

- An extra permit for generators of industrial reclaimed water is eliminated.
- Reclaimed water must be included in certain water plans.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Staff: Bill Lynch (786-7092).

Background:

The Department of Health (DOH) may issue a reclaimed water permit for industrial and commercial uses of reclaimed water to the generator of the reclaimed water. The generator of the reclaimed water may then distribute the water according to the terms of the permit. The permit governs the location, rate, water quality, and purpose of use of the reclaimed water. A permit is also required from the Department of Ecology (DOE) for any land application of reclaimed water. The permit governs the location, rate, water

quality, and purpose of use of the reclaimed water. A person who wishes to use industrial reclaimed water for a land application, therefore, must have a permit from the DOH and a permit from the DOE to govern the use of the water.

The owner of a wastewater treatment facility that is reclaiming water under a permit has exclusive right to the use of the reclaimed water generated by the treatment facility. Use of reclaimed water by the owner of a wastewater treatment facility is exempt from the water right permit provisions pertaining to surface water and ground water, but do not specifically mention exemptions from the change or amendment of water right provisions.

Reclaimed water must be considered in the development of regional water supply plans, but there is little detail regarding the level of this consideration. There are no requirements for considering easements for reclaimed water pipes.

Facilities that reclaim water are prohibited from impairing existing water rights downstream from any freshwater discharge points of the facilities unless compensation or mitigation is agreed to by the holder of the affected water right.

The relinquishment statutes do not contain an exemption for water which has been substituted by industrial reclaimed water.

The terms "industrial reclaimed water" and "industrial wastewater" are undefined. The current definition of "beneficial use" in the reclaimed water chapter is confusing.

Summary of Substitute Bill:

The owner of a facility that provides industrial reclaimed water must obtain a permit from the DOE instead of the DOH. The owner of a facility that provides reclaimed water under a permit issued by the DOE has exclusive right to the industrial reclaimed water generated by the facility. Use and distribution of the reclaimed water is exempt from the requirements for a water right transfer or change, restrictions on use of interties, and ground water provisions pertaining to replacement of new wells or consolidation of exempt wells.

Reclaimed water may be included in water system plans and coordinated water system plans. Planning activities must be coordinated to ensure opportunities for using reclaimed water are evaluated and proposals for constructing public rights of way consider infrastructure needed to distribute reclaimed water. Wastewater plans must contain a certified statement that reclaimed water was considered.

The DOE, in coordination with the DOH, must adopt rules by December 31, 2000, for the industrial and commercial use of reclaimed water. The departments may, in

consultation with water surveyors, adopt rules to establish criteria for when it is feasible to replace potable water with reclaimed water. Local governments may adopt ordinances requiring the use of reclaimed water for nonpotable uses when feasible.

A facility that provides reclaimed water is prohibited from impairing any existing water right unless the holder of the impaired water right is equitably compensated. When ground water is the original source of industrial water, and the water is reclaimed and used for land application, no impairment occurs.

The substitution of industrial reclaimed water for other water under a water right does not result in relinquishment of the replaced water if the reclaimed water is used in accordance with the terms of a permit authorizing the discharge of water pollution.

"Beneficial use" is redefined as the use of reclaimed water for a beneficial purpose, including but not limited to land application, replenishment of ground water, wetland enhancement, and streamflow augmentation providing increased instream flows for fish.

"Industrial reclaimed water" is defined as industrial wastewater that is used for industrial purposes (irrigation, municipal purposes, streamflow augmentation for fish, and other purposes authorized) in conformance with a permit issued under the water pollution laws. "Industrial wastewater" is defined as water or liquid carried waste from industrial or commercial processes, as distinct from sewage or domestic wastewater, and may result from the any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations, such as feed lots, poultry houses, or dairies.

Substitute Bill Compared to Original Bill:

The definition of industrial reclaimed water is expanded. Reclaimed water must be included within certain planning processes. The requirement that a generator of industrial reclaimed water obtain a permit from the Department of Health is eliminated. The departments of Health and Ecology must adopt rules by December 31, 2000, for the industrial and commercial use of reclaimed water. These departments may adopt criteria for when it is feasible to use reclaimed water to replace potable water. Local governments may adopt ordinances requiring the use of reclaimed water for nonpotable uses when feasible. The use of ground water for industrial purposes, and its subsequent reclamation and application to the land, does not impair existing water rights.

Appropriation: None.

Fiscal Note: Requested on March 1, 1999.

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

Testimony For: (Original Bill) Reclaimed water can reduce pressure on potable water supplies. The use should be encouraged.

Testified: (In Support) Ken Slattery, Department of Ecology.

(With Concerns) Judy Turpin, Washington Environmental Council; and Steve Gano, Trendwest.