
HOUSE BILL 2189

State of Washington 56th Legislature 1999 Regular Session

By Representatives Linville, G. Chandler and Lantz

Read first time 03/01/1999.

1 AN ACT Relating to reclaimed water; amending RCW 90.46.010,
2 90.46.080, and 90.46.090; adding a new section to chapter 82.16 RCW;
3 and adding a new section to chapter 82.08 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 90.46.010 and 1997 c 444 s 5 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Greywater" means wastewater having the consistency and
10 strength of residential domestic type wastewater. Greywater includes
11 wastewater from sinks, showers, and laundry fixtures, but does not
12 include toilet or urinal waters.

13 (2) "Land application" means application of treated effluent for
14 purposes of irrigation or landscape enhancement for residential,
15 business, and governmental purposes.

16 (3) "Person" means any state, individual, public or private
17 corporation, political subdivision, governmental subdivision,
18 governmental agency, municipality, copartnership, association, firm,
19 trust estate, or any other legal entity whatever.

1 (4) "Reclaimed water" means effluent derived in any part from
2 sewage from a wastewater treatment system that has been adequately and
3 reliably treated, so that as a result of that treatment, it is suitable
4 for a beneficial use or a controlled use that would not otherwise occur
5 and is no longer considered wastewater.

6 (5) "Sewage" means water-carried human wastes from residences,
7 buildings, industrial and commercial establishments, or other places,
8 together with such ground water infiltration, surface waters, or
9 industrial wastewater as may be present.

10 (6) "User" means any person who uses reclaimed water.

11 (7) "Wastewater" means water and wastes discharged from homes,
12 businesses, and industry to the sewer system.

13 (8) "Beneficial ((use)) reuse" means the use of reclaimed water((
14 ~~that has been transported from the point of production to the point of~~
15 ~~use without an intervening discharge to the waters of the state,~~)) for
16 a beneficial purpose, including but not limited to land application,
17 replenishment of ground water, wetland enhancement, and streamflow
18 augmentation providing increased instream flows for fish.

19 (9) "Direct recharge" means the controlled subsurface addition of
20 water directly to the ground water basin that results in the
21 replenishment of ground water.

22 (10) "Ground water recharge criteria" means the contaminant
23 criteria found in the drinking water quality standards adopted by the
24 state board of health pursuant to chapter 43.20 RCW and the department
25 of health pursuant to chapter 70.119A RCW.

26 (11) "Planned ground water recharge project" means any reclaimed
27 water project designed for the purpose of recharging ground water, via
28 direct recharge or surface percolation.

29 (12) "Reclamation criteria" means the criteria set forth in the
30 water reclamation and reuse interim standards and subsequent revisions
31 adopted by the department of ecology and the department of health.

32 (13) "Streamflow augmentation" means the discharge of reclaimed
33 water to rivers and streams of the state or other surface water bodies,
34 but not wetlands.

35 (14) "Surface percolation" means the controlled application of
36 water to the ground surface for the purpose of replenishing ground
37 water.

38 (15) "Wetland or wetlands" means areas that are inundated or
39 saturated by surface water or ground water at a frequency and duration

1 sufficient to support, and that under normal circumstances do support,
2 a prevalence of vegetation typically adapted to life in saturated soil
3 conditions. Wetlands generally include swamps, marshes, bogs, and
4 similar areas. Wetlands regulated under this chapter shall be
5 delineated in accordance with the manual adopted by the department of
6 ecology pursuant to RCW 90.58.380.

7 (16) "Constructed beneficial use wetlands" means those wetlands
8 intentionally constructed on nonwetland sites to produce or replace
9 natural wetland functions and values. Constructed beneficial use
10 wetlands are considered "waters of the state."

11 (17) "Constructed treatment wetlands" means those wetlands
12 intentionally constructed on nonwetland sites and managed for the
13 primary purpose of wastewater or storm water treatment. Constructed
14 treatment wetlands are considered part of the collection and treatment
15 system and are not considered "waters of the state."

16 **Sec. 2.** RCW 90.46.080 and 1997 c 444 s 6 are each amended to read
17 as follows:

18 (1) Reclaimed water may be beneficially (~~used~~) reused for surface
19 percolation provided the reclaimed water meets the ground water
20 recharge criteria as measured in ground water beneath or down gradient
21 of the recharge project site, and has been incorporated into a sewer or
22 water comprehensive plan, as applicable, adopted by the applicable
23 local government and approved by the department of health or department
24 of ecology as applicable.

25 (2) If the state ground water recharge criteria as defined by RCW
26 90.46.010 do not contain a standard for a constituent or contaminant,
27 the department of ecology shall establish a discharge limit consistent
28 with the goals of this chapter.

29 (3) Reclaimed water that does not meet the ground water recharge
30 criteria may be beneficially (~~used~~) reused for surface percolation
31 where the department of ecology, in consultation with the department of
32 health, has specifically authorized such use at such lower standard.

33 **Sec. 3.** RCW 90.46.090 and 1997 c 444 s 7 are each amended to read
34 as follows:

35 (1) Reclaimed water may be beneficially (~~used~~) reused for
36 discharge into constructed beneficial use wetlands and constructed
37 treatment wetlands provided the reclaimed water meets the class A or B

1 reclaimed water standards as defined in the reclamation criteria, and
2 the discharge is incorporated into a sewer or water comprehensive plan,
3 as applicable, adopted by the applicable local government and approved
4 by the department of health or department of ecology as applicable.

5 (2) Reclaimed water that does not meet the class A or B reclaimed
6 water standards may be beneficially (~~used~~) reused for discharge into
7 constructed treatment wetlands where the department of ecology, in
8 consultation with the department of health, has specifically authorized
9 such use at such lower standards.

10 (3) The department of ecology and the department of health must
11 develop appropriate standards for discharging reclaimed water into
12 constructed beneficial use wetlands and constructed treatment wetlands.
13 These standards must be considered as part of the approval process
14 under subsections (1) and (2) of this section.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.16 RCW
16 to read as follows:

17 This chapter does not apply to amounts received for water services
18 supplied by an entity that holds a permit under RCW 90.46.030 when the
19 water supplied is reclaimed water as defined in RCW 90.46.010.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.08 RCW
21 to read as follows:

22 The tax levied by RCW 82.08.020 shall not apply to sales of
23 machinery and equipment used directly in transmitting, distributing, or
24 storing reclaimed water as defined in RCW 90.46.010, or to sales of or
25 charges made for labor and services rendered in respect to installing
26 such machinery and equipment. As used in this section, "machinery and
27 equipment" means pipelines, outfalls, conduits, pumping stations,
28 instrumentation and monitoring equipment, structures, machinery,
29 equipment, accessories, and all other construction, devices,
30 appurtenances, and facilities used for the primary purpose of
31 conducting reclaimed water from a wastewater treatment system for a
32 beneficial use, including the augmentation of streamflow for fish.

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