

HOUSE BILL REPORT

HB 1937

As Reported by House Committee On:
Agriculture & Ecology

Title: An act relating to reclaimed water.

Brief Description: Reusing waste water derived from food processing.

Sponsors: Representatives Linville, B. Chandler, G. Chandler, Delvin, Quall, Grant and Simpson.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/22/01, 2/23/01[DPS].

Brief Summary of Substitute Bill

- Creates a permit process for application of agricultural industrial reclaimed water to agricultural water use by agricultural processing plant owners.
- Defines "agricultural processing" for purposes of the agricultural industrial reclaimed water permit to include processing of crops or milk for wholesale or retail sale and specifies "agricultural water use" is water use for irrigation and other uses related to production of agricultural products.
- Specifies agricultural industrial reclaimed water permits may not impair existing water rights to surface waters downstream of the agricultural processing plant.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Staff: Caroleen Dineen (786-7156).

Background:

Reclaimed water is an effluent derived from a wastewater treatment system that has been treated to be suitable for a beneficial use or a controlled use that would otherwise not occur. The Department of Health (DOH) may issue permits for commercial or industrial uses of reclaimed water to the water generator. A reclaimed water permit may only be issued to a governmental entity or to the holder of a water quality waste discharge permit.

Reclaimed water may be used for a variety of purposes. A generator receiving a permit for land application of reclaimed water from the Department of Ecology (DOE) may distribute the water subject to provisions in the permit governing the location, rate, water quality, and use. Reclaimed water also may be used for surface spreading, for discharge into constructed beneficial use wetlands and constructed treatment wetlands, and for streamflow augmentation under specified conditions.

Summary of Substitute Bill:

A permit process is established for owners of agricultural processing plants generating agricultural industrial reclaimed water to apply to the DOE for application of agricultural industrial reclaimed water to agricultural water use. This process is created in the reclaimed water statutes and is distinct from the water rights permit processes established in the ground water and surface water statutes.

An agricultural processing plant owner must apply to the DOE for a permit for distribution of agricultural industrial reclaimed water through distribution methods including irrigation systems. Permit provisions govern the location, rate, water quality, and purpose. If the DOE determines a significant risk to public health exists for a land application of water, the DOE may refer the permit application to the DOH for review and consultation. The agricultural processing plant owner obtaining a permit to apply agricultural industrial reclaimed water has the exclusive right to use and to distribute the water generated.

The use and distribution of agricultural industrial reclaimed water is exempt from specified ground and surface water permit statutes relating to temporary use, transfers and changes in point of diversion, and permit amendments. An agricultural industrial reclaimed water permit may not impair existing surface water rights from the same surface water supply as downstream from the agricultural processing plant. Relinquishment provisions do not apply, or to a water right or portion of a right authorized for a purpose that is satisfied by the use of agricultural industrial reclaimed water.

Definitions are added to the reclaimed water statutes. "Agricultural industrial reclaimed water" is defined as water that has been used for agricultural processing and has been treated to be suitable for other agricultural water uses. "Agricultural processing" is

defined to include processing of crops or milk primarily for wholesale or retail sale for human or animal consumption and is specified to include potato, fruit, vegetable, and grain processing. "Agricultural water use" is defined as water use for irrigation and other uses related to production of agricultural products and includes the construction, operation, and maintenance of agricultural facilities and livestock operations at farms, ranches, dairies, and nurseries. Examples of agricultural water use are specified to include dust, temperature, and fire control.

Legislative findings are made that the agricultural processing industry can play a critical and beneficial role in promoting efficient water use through developing and reusing agricultural industrial reclaimed water.

Substitute Bill Compared to Original Bill:

The substitute bill requires the agricultural processing plant owner to apply for a permit for the application of agricultural industrial reclaimed water to agricultural water use. The substitute bill also adds the prohibition against impairment of existing surface water rights.

Appropriation: None.

Fiscal Note: Requested on February 21, 2001.

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

Testimony For: (Original bill) This is a water resources bill that will allow for efficiencies in the farmer/processor relationship. This bill is good for an industry on which the state's economy depends and hopefully will encourage retention and expansion of agricultural processing businesses. The Governor's water action strategy plan makes specific reference to these types of measures. Oregon recently enacted legislation to allow this type of water use.

(Original bill with amendments) Some parties have sought to use the water that the Miller Brewing Company discharges as reclaimed water. Adding brewing to the agricultural processing definition and listing fish rearing facilities as an agricultural water use would allow reuse of this water.

Testimony Against: None.

Testified: Rick Wickman, Washington Food Processors Council; Tom McDonald, Perkins Coie Limited Liability Partnership; Melodie Selby, Washington Department of Ecology; and Eric Johnson, Washington Public Ports Association.

(Original bill with amendments) Steve Gano, Miller Brewing Company.