
HOUSE BILL 1891

State of Washington 59th Legislature 2005 Regular Session

By Representatives Hinkle, B. Sullivan, Buck and Haler

Read first time 02/09/2005. Referred to Committee on Economic Development, Agriculture & Trade.

1 AN ACT Relating to issuing reclaimed water permits to private
2 utilities; and amending RCW 90.46.030 and 90.46.040.

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

4 **Sec. 1.** RCW 90.46.030 and 2002 c 329 s 4 are each amended to read
5 as follows:

6 (1) The department of health shall, in coordination with the
7 department of ecology, adopt a single set of standards, procedures, and
8 guidelines on or before August 1, 1993, for the industrial and
9 commercial use of reclaimed water.

10 (2) The department of health may issue a reclaimed water permit for
11 industrial and commercial uses of reclaimed water to the generator of
12 reclaimed water who may then distribute the water, subject to
13 provisions in the permit governing the location, rate, water quality,
14 and purposes of use.

15 (3) The department of health in consultation with the advisory
16 committee established in RCW 90.46.050, shall develop recommendations
17 for a fee structure for permits issued under subsection (2) of this
18 section. Fees shall be established in amounts to fully recover, and
19 not exceed, expenses incurred by the department of health in processing

1 permit applications and modifications, monitoring and evaluating
2 compliance with permits, and conducting inspections and supporting the
3 reasonable overhead expenses that are directly related to these
4 activities. Permit fees may not be used for research or enforcement
5 activities. The department of health shall not issue permits under
6 this section until a fee structure has been established.

7 (4) A permit under this section for use of reclaimed water may be
8 issued only to:

9 (a) A municipal, quasi-municipal, or other governmental entity ((or
10 to));

11 (b) A private utility as defined in RCW 36.94.010; or

12 (c) The holder of a waste discharge permit issued under chapter
13 90.48 RCW.

14 (5) The authority and duties created in this section are in
15 addition to any authority and duties already provided in law with
16 regard to sewage and wastewater collection, treatment, and disposal for
17 the protection of health and safety of the state's waters. Nothing in
18 this section limits the powers of the state or any political
19 subdivision to exercise such authority.

20 (6) The department of health may implement the requirements of this
21 section through the department of ecology by execution of a formal
22 agreement between the departments. Upon execution of such an
23 agreement, the department of ecology may issue reclaimed water permits
24 for industrial and commercial uses of reclaimed water by issuance of
25 permits under chapter 90.48 RCW, and may establish and collect fees as
26 required for permits issued under chapter 90.48 RCW.

27 **Sec. 2.** RCW 90.46.040 and 1992 c 204 s 5 are each amended to read
28 as follows:

29 (1) The department of ecology shall, in coordination with the
30 department of health, adopt a single set of standards, procedures, and
31 guidelines, on or before August 1, 1993, for land applications of
32 reclaimed water.

33 (2) A permit is required for any land application of reclaimed
34 water. The department of ecology may issue a reclaimed water permit
35 under chapter 90.48 RCW to the generator of reclaimed water who may
36 then distribute the water, subject to provisions in the permit

1 governing the location, rate, water quality, and purpose of use. The
2 department of ecology shall not issue more than one permit for any
3 individual land application of reclaimed water to a single generator.

4 (3) In cases where the department of ecology determines, in land
5 applications of reclaimed water, that a significant risk to the public
6 health exists, the department shall refer the application to the
7 department of health for review and consultation and the department of
8 health may require fees appropriate for review and consultation from
9 the applicant pursuant to RCW 43.70.250.

10 (4) A permit under this section for use of reclaimed water may be
11 issued only to:

12 (a) A municipal, quasi-municipal, or other governmental entity ((~~or~~
13 ~~to~~));

14 (b) A private utility as defined under RCW 36.94.010; or

15 (c) The holder of a waste discharge permit issued under chapter
16 90.48 RCW.

17 (5) The authority and duties created in this section are in
18 addition to any authority and duties already provided in law. Nothing
19 in this section limits the powers of the state or any political
20 subdivision to exercise such authority.

--- END ---