
HOUSE BILL 2884

State of Washington

59th Legislature

2006 Regular Session

By Representatives Linville and McCoy

Read first time 01/16/2006. Referred to Committee on Economic Development, Agriculture & Trade.

1 AN ACT Relating to reclaimed water; amending RCW 90.46.050,
2 90.46.030, 90.46.040, 90.46.042, 90.46.044, 90.46.080, 90.46.090, and
3 90.46.100; adding a new section to chapter 90.46 RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.46 RCW
7 to read as follows:

8 (1) The department of ecology shall, in coordination with the
9 department of health, adopt rules for reclaimed water use consistent
10 with this chapter. The rules must address all aspects of reclaimed
11 water use, including commercial and industrial uses, land applications,
12 direct recharge, wetland discharge, surface percolation, constructed
13 wetlands, stream flow augmentation, and greywater use. In developing
14 the rules, the department of ecology shall amend or rescind any
15 existing rules on reclaimed water in conflict with the new rules.

16 (2) All rules required to be adopted pursuant to this section must
17 be completed no later than December 31, 2010.

18 (3) The department of ecology must consult with the advisory

1 committee created under RCW 90.46.050 in all aspects of rule
2 development required under this section.

3 **Sec. 2.** RCW 90.46.050 and 1995 c 342 s 9 are each amended to read
4 as follows:

5 The department of ((health)) ecology shall, before ((July 1, 1995))
6 December 1, 2006, form an advisory committee, in coordination with the
7 department of ((ecology)) health and the department of agriculture,
8 which will provide technical assistance in the development of
9 standards, procedures, and guidelines required by this chapter.
10 ((Such)) The advisory committee shall be composed of individuals from
11 the public water and wastewater utilities, landscaping enhancement
12 industry, commercial and industrial application community, and any
13 other persons deemed technically helpful by the department of
14 ((health)) ecology.

15 NEW SECTION. **Sec. 3.** The department of ecology must present
16 interim reports to the appropriate committees of the legislature by
17 January 1, 2008, and January 1, 2009, that summarize the steps taken to
18 that date towards the final rule making required by section 1 of this
19 act. The reports must include, at a minimum, a summary of
20 participation in the advisory group and the topics considered by the
21 department.

22 **Sec. 4.** RCW 90.46.030 and 2005 c 59 s 1 are each amended to read
23 as follows:

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

28 (b) Standards adopted under this section are superseded by any
29 rules adopted by the department of ecology pursuant to section 1 of
30 this act as they relate to the industrial and commercial use of
31 reclaimed water.

32 (2) Until the department of ecology adopts rules pursuant to
33 section 1 of this act that relate to the industrial and commercial use
34 of reclaimed water, the department of health may issue a reclaimed
35 water permit for industrial and commercial uses of reclaimed water to

1 the generator of reclaimed water who may then distribute the water,
2 subject to provisions in the permit governing the location, rate, water
3 quality, and purposes of use. Permits issued after the adoption of
4 rules under section 1 of this act must be consistent with the adopted
5 rules.

6 (3) The department of health in consultation with the advisory
7 committee established in RCW 90.46.050, shall develop recommendations
8 for a fee structure for permits issued under subsection (2) of this
9 section. Fees shall be established in amounts to fully recover, and
10 not exceed, expenses incurred by the department of health in processing
11 permit applications and modifications, monitoring and evaluating
12 compliance with permits, and conducting inspections and supporting the
13 reasonable overhead expenses that are directly related to these
14 activities. Permit fees may not be used for research or enforcement
15 activities. The department of health shall not issue permits under
16 this section until a fee structure has been established, or after the
17 rules required by section 1 of this act have been adopted.

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

- 20 (a) A municipal, quasi-municipal, or other governmental entity;
21 (b) A private utility as defined in RCW 36.94.010; or
22 (c) The holder of a waste discharge permit issued under chapter
23 90.48 RCW.

24 (5) The authority and duties created in this section are in
25 addition to any authority and duties already provided in law with
26 regard to sewage and wastewater collection, treatment, and disposal for
27 the protection of health and safety of the state's waters. Nothing in
28 this section limits the powers of the state or any political
29 subdivision to exercise such authority.

30 (6) Until the department of ecology adopts rules pursuant to
31 section 1 of this act that relate to the industrial and commercial use
32 of reclaimed water, the department of health may implement the
33 requirements of this section through the department of ecology by
34 execution of a formal agreement between the departments. ((Upon
35 execution of such an agreement)) After the rules required by section 1
36 of this act are adopted, the department of ecology may issue reclaimed
37 water permits for industrial and commercial uses of reclaimed water by

1 issuance of permits under chapter 90.48 RCW, and may establish and
2 collect fees as required for permits issued under chapter 90.48 RCW.

3 (7) Until the department of ecology adopts rules pursuant to
4 section 1 of this act that relate to the industrial and commercial use
5 of reclaimed water, and before deciding whether to issue a permit under
6 this section to a private utility, the department of health may require
7 information that is reasonable and necessary to determine whether the
8 private utility has the financial and other resources to ((~~assure~~))
9 ensure the reliability, continuity, and supervision of the reclaimed
10 water facility.

11 **Sec. 5.** RCW 90.46.040 and 2005 c 59 s 2 are each amended to read
12 as follows:

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

17 (b) Standards adopted under this section are superseded by any
18 rules adopted by the department of ecology pursuant to section 1 of
19 this act as they relate to the land application of reclaimed water.

20 (2) A permit is required for any land application of reclaimed
21 water. The department of ecology may issue a reclaimed water permit
22 under chapter 90.48 RCW to the generator of reclaimed water who may
23 then distribute the water, subject to provisions in the permit
24 governing the location, rate, water quality, and purpose of use. The
25 department of ecology shall not issue more than one permit for any
26 individual land application of reclaimed water to a single generator.

27 (3) In cases where the department of ecology determines, in land
28 applications of reclaimed water, that a significant risk to the public
29 health exists, the department shall refer the application to the
30 department of health for review and consultation and the department of
31 health may require fees appropriate for review and consultation from
32 the applicant pursuant to RCW 43.70.250.

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

35 (a) A municipal, quasi-municipal, or other governmental entity;

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

1 (c) The holder of a waste discharge permit issued under chapter
2 90.48 RCW.

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

7 (6) Before deciding whether to issue a permit under this section to
8 a private utility, the department of ecology may require information
9 that is reasonable and necessary to determine whether the private
10 utility has the financial and other resources to (~~assure~~) ensure the
11 reliability, continuity, and supervision of the reclaimed water
12 facility.

13 **Sec. 6.** RCW 90.46.042 and 1995 c 342 s 6 are each amended to read
14 as follows:

15 (1) The department of ecology shall, in consultation with the
16 department of health, adopt a single set of standards, procedures, and
17 guidelines, on or before December 31, 1996, for direct recharge using
18 reclaimed water. The standards shall address both water quality
19 considerations and avoidance of property damage from excessive
20 recharge.

21 (2) Standards adopted under this section are superseded by any
22 rules adopted by the department of ecology pursuant to section 1 of
23 this act as they relate to direct recharge using reclaimed water.

24 **Sec. 7.** RCW 90.46.044 and 1995 c 342 s 7 are each amended to read
25 as follows:

26 (1) The department of ecology shall, in consultation with the
27 department of health, adopt a single set of standards, procedures, and
28 guidelines, on or before June 30, 1996, for discharge of reclaimed
29 water to wetlands.

30 (2) Standards adopted under this section are superseded by any
31 rules adopted by the department of ecology pursuant to section 1 of
32 this act as they relate to discharge of reclaimed water to wetlands.

33 **Sec. 8.** RCW 90.46.080 and 1997 c 444 s 6 are each amended to read
34 as follows:

35 (1) Except as otherwise provided in this section, reclaimed water

1 may be beneficially used for surface percolation provided the reclaimed
2 water meets the ground water recharge criteria as measured in ground
3 water beneath or down gradient of the recharge project site, and has
4 been incorporated into a sewer or water comprehensive plan, as
5 applicable, adopted by the applicable local government and approved by
6 the department of health or department of ecology as applicable.

7 (2) If the state ground water recharge criteria as defined by RCW
8 90.46.010 do not contain a standard for a constituent or contaminant,
9 the department of ecology shall establish a discharge limit consistent
10 with the goals of this chapter, except as otherwise provided in this
11 section.

12 (3) Except as otherwise provided in this section, reclaimed water
13 that does not meet the ground water recharge criteria may be
14 beneficially used for surface percolation where the department of
15 ecology, in consultation with the department of health, has
16 specifically authorized such use at such lower standard.

17 (4) The provisions of this section are superseded by any rules
18 adopted by the department of ecology pursuant to section 1 of this act
19 as they relate to surface percolation.

20 **Sec. 9.** RCW 90.46.090 and 1997 c 444 s 7 are each amended to read
21 as follows:

22 (1) Reclaimed water may be beneficially used for discharge into
23 constructed beneficial use wetlands and constructed treatment wetlands
24 provided the reclaimed water meets the class A or B reclaimed water
25 standards as defined in the reclamation criteria, and the discharge is
26 incorporated into a sewer or water comprehensive plan, as applicable,
27 adopted by the applicable local government and approved by the
28 department of health or department of ecology as applicable.

29 (2) Reclaimed water that does not meet the class A or B reclaimed
30 water standards may be beneficially used for discharge into constructed
31 treatment wetlands where the department of ecology, in consultation
32 with the department of health, has specifically authorized such use at
33 such lower standards.

34 (3)(a) The department of ecology and the department of health must
35 develop appropriate standards for discharging reclaimed water into
36 constructed beneficial use wetlands and constructed treatment wetlands.

1 These standards must be considered as part of the approval process
2 under subsections (1) and (2) of this section.

3 (b) Standards adopted under this section are superseded by any
4 rules adopted by the department of ecology pursuant to section 1 of
5 this act as they relate to discharge into constructed beneficial use
6 wetlands and constructed treatment wetlands.

7 **Sec. 10.** RCW 90.46.100 and 1995 c 342 s 5 are each amended to read
8 as follows:

9 (1) Reclaimed water intended for beneficial reuse may be discharged
10 for streamflow augmentation provided the reclaimed water meets the
11 requirements of the federal water pollution control act, chapter 90.48
12 RCW, and is incorporated into a sewer or water comprehensive plan, as
13 applicable, adopted by the applicable local government and approved by
14 the department of health or department of ecology as applicable.

15 (2) Standards adopted under this section are superseded by any
16 rules adopted by the department of ecology pursuant to section 1 of
17 this act as they relate to discharge of reclaimed water for streamflow
18 augmentation.

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