HOUSE BILL REPORT
ESHB 1184

As Passed House:
February 24, 2021

Title: An act relating to risk-based water quality standards for on-site nonpotable water systems.

Brief Description: Concerning risk-based water quality standards for on-site nonpotable water systems.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Duerr, Ramel, Dolan and Harris-Talley).

Brief History:
Committee Activity:
Local Government: 1/26/21, 1/29/21 [DPS].
Floor Activity:
Passed House: 2/24/21, 90-6.

Brief Summary of Engrossed Substitute Bill

- Requires the Department of Health to adopt rules for risk-based water quality standards for the on-site treatment and reuse of nonpotable alternative water sources for nonpotable end uses.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg, Robertson and Senn.

Staff: Elizabeth Allison (786-7129).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Gray water, or greywater, is wastewater that is generated from a variety of sources in homes and commercial buildings through the use of water for showers, washing machines, bathroom sinks, dishwashers, or other uses. Greywater does not contain serious contaminants and does not include water from toilets or urinals. The Department of Health is responsible for developing standards, procedures, and guidelines, with input from technical experts, for the cost-effective reuse of greywater.

Nonpotable water is water that is not of drinking quality, but may still be used for many other purposes, depending on its quality. Nonpotable water is generally all raw water that is untreated such as from lakes, rivers, groundwater, natural springs, and ground wells. Nonpotable water sources also include rainwater, reclaimed/recycled water, and greywater. While nonpotable water is not appropriate for human consumption, it can be used in a myriad of other applications, such as doing laundry and toilet flushing.

On-site nonpotable water reuse systems capture and treat water sources generated from within, such as wastewater, greywater, stormwater, or roof collected rainwater. The treated water is then reused onsite or locally for nondrinking purposes.

Summary of Engrossed Substitute Bill:

The Department of Health (DOH) is required, in consultation with the Washington State Building Code Council (SBCC) and the Washington State Association of Plumbers and Pipefitters, to adopt rules by July 1, 2022 for:

- risk-based water quality standards for the on-site treatment and reuse of nonpotable alternative water sources for nonpotable end uses; and
- construction standards to adopt the risk-based framework water quality standards.

At minimum, the adopted rules must address:

- risk-based log reduction targets for the removal of pathogens for alternative water sources, including wastewater from all domestic fixtures, gray water, rainwater, and stormwater for nonpotable end uses such as toilet and urinal supply water, clothes washing, irrigation, and dust suppression;
- treatment and performance requirements;
- water quality monitoring requirements;
- reporting requirements for the treatment, performance, and water quality monitoring results;
- notification and public information requirements;
- cross-connection controls;
- permitting; and
- any conflicts the rules may have with the Department of Ecology's (Ecology) municipal stormwater general permit and guidance manuals on stormwater for eastern and western Washington.

Any calculations in the amount of water that a property owner or permit holder must make

to address runoff from impervious surfaces must reduce the amount of rainwater considered to be stormwater when it is captured to be used for alternative nonpotable end uses in buildings and projects.

The rules take effect December 31, 2022. However, if any on-site treated nonpotable water systems are in operation before January 1, 2022, then such systems must be in compliance with the rules by January 1, 2024.

The permitting local jurisdiction may grant a permittee a waiver of compliance with the rules if the local jurisdiction finds that the permittee is unable to come into compliance with the rules because the engineering, repair, or replacement of the system is cost prohibitive.

The DOH may consult or contract with other public or private entities, including the SBCC and Ecology, for advice on state building code language, water rights, water quality, and other technical matters relating to adoption of the risk-based water quality standards.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill addresses climate change resiliency and would create a rule for the use of on-site nonpotable water. The process involves collecting wastewater, stormwater, rainwater, and other types of water and treating it for nonpotable reuse. The bill does not affect potable water. The bill creates consistent and safe statewide standards. No such regulatory framework currently exists in Washington. On-site nonpotable water reuse systems allow existing potable water to be used for potable purposes first, then, after treatment, reuse it for nonpotable uses. Businesses and companies that would like to utilize this system often cannot because no structure currently exists. Benefits include reducing stormwater impact and reducing energy consumption. The framework in the bill would be the basis for providing on-site nonpotable water reuse systems. The goal is to support the safe adoption of on-site nonpotable water reuse systems and to develop tools using research. On-site nonpotable water reuse systems are supported by leading water institutions, and a number of other places have already adopted rules; Washington is urged to follow. This bill represents the merging of many different sectors including water, health, and business. On-site nonpotable water reuse systems reduce the demand on central utility systems. The risk-based framework is a key part of the legislation. The system evaluates the number of pathogens from expected sources, and different levels of treatment are used to make any source safe for its intended use. On-site nonpotable water reuse systems that are in use now are primarily done through waivers from local governments.

The bill provides standard regulation of these systems. Creating an on-site nonpotable water reuse system is optional. On-site nonpotable water reuse systems are good for use in new buildings that are environmentally built and will last a long time. Recycling of greywater can reduce the building's footprint on the climate.

(Opposed) None.

(Other) The on-site nonpotable water reuse system rules provide a common sense solution to reduce the demand for water, and are being used in other states already. Conservation and reuse of greywater is a more economic way to reduce water supply and strains on rivers and streams. The only concern with the bill is that it includes the reuse of greywater from all domestic fixtures, which could be construed to include toilets. Toilets are not a source of greywater.

Persons Testifying: (In support) Representative Duerr, prime sponsor; Mark Jaeger, Seattle Public Utilities; Dan Von Seggern, Center for Environmental Law and Policy; and Michael Mann, Sustainable Living Innovations.

(Other) Steve Deem, Washington Department of Health.

Persons Signed In To Testify But Not Testifying: None.