

HOUSE BILL REPORT

ESSB 5485

As Reported by House Committee On: Local Government & Housing

Title: An act relating to authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for reclaimed water.

Brief Description: Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for reclaimed water.

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senators Rockefeller, Honeyford, Pridemore and Kilmer).

Brief History:

Committee Activity:

Local Government & Housing: 3/18/09, 3/23/09 [DP].

Brief Summary of Engrossed Substitute Bill

- Authorizes water-sewer districts to develop and operate systems for water reclamation.
- Requires that a water-sewer district implement a general comprehensive plan before developing a water reclamation system.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 10 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia, Short, Springer, Upthegrove, White and Williams.

Staff: Thamas Osborn (786-7129)

Background:

Overview of Water-Sewer Districts.

Water districts are units of local government initially authorized in 1913 to provide potable water facilities, sanitary sewers, drainage facilities, and street lighting. Sewer districts are

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

units of local government initially authorized in 1941 to provide sanitary sewers, drainage facilities, and potable water facilities.

Legislation enacted in 1996 and effective July 1, 1997, consolidated water district laws with sewer district laws and made a number of technical changes to these laws. Among other changes, the term "sewer system," which had been defined to include both sanitary sewers and drainage systems, was altered to apply only to sanitary sewer systems, and separate provisions were added for drainage systems.

Water-sewer district (district) powers include the authority to purchase, construct, maintain, and supply waterworks to furnish water to inhabitants within and outside of the district, and to develop and operate systems of sewers and drainage. In addition, a district has broad authority to create facilities, systems, and programs for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from such wastewater.

Before implementing plans for the development of facilities or incurring any indebtedness, a district must adopt a general comprehensive plan for the types of services it proposes to provide. Such general comprehensive plans must be consistent with specified requirements.

Regulation of Reclaimed Water Use.

The Department of Ecology (DOE) and the Department of Health (DOH) are responsible for coordinating a joint effort to regulate the creation and use of reclaimed water in accordance with specified goals, including:

- the development of facilities to provide reclaimed water to replace potable water in applications that do not require potable water;
- supplementing existing surface and groundwater supplies; and
- assisting in meeting the future water needs of the state.

"Reclaimed water" is defined as effluent derived in any part from sewage from a wastewater treatment system that has been sufficiently treated so as to make it suitable for a beneficial use and is therefore no longer categorized as wastewater.

The DOE and the DOH are granted broad authority, including rule-making, to establish standards, procedures, and guidelines for all aspects of reclaimed water use.

Water-Sewer Services Within Overlapping Jurisdictions.

Except upon approval of both districts by resolution, a district may not provide a service within an area in which that service is available from another district, or within an area in which that service is planned to be made available under an effective comprehensive plan of another district.

Summary of Bill:

Districts are granted explicit authority to develop and operate systems of water reclamation for the purpose of furnishing the district with reclaimed water for all legally authorized uses. A district may also provide reclaimed water services to persons outside the district. This authority includes the power to fix rates and charges for all water reclamation services. The exercise of this authority must be consistent with the regulations promulgated by the DOE and the DOH regarding the creation and use of reclaimed water.

A general comprehensive plan for development of a water reclamation system must include the following components:

- a plan for the acquisition of the necessary lands and easements;
- provisions for the construction and installation of the requisite infrastructure; and
- provisions for the financing of the project.

Appropriation: None.

Fiscal Note: Not requested.

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) This bill is identical to House Bill 1532 which was passed by both the Local Government and Housing Committee as well as the House. The bill simply provides explicit authority for water/sewer districts to participate in the development of water reclamation projects. Some districts are already involved in such projects pursuant to the powers and authority conferred by existing statutes, but it would be beneficial to make this authority explicit. Also, this bill does not in any way extend the existing eminent domain powers of water/sewer districts.

(Opposed) None.

Persons Testifying: Joe Daniels, Washington State Association of Sewer/Water Districts.

Persons Signed In To Testify But Not Testifying: None.