

SENATE BILL REPORT

SB 5485

As Reported by Senate Committee On:
Environment, Water & Energy, January 30, 2009

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

Brief Description: Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for wastewater reclamation. [Revised for 1st Substitute: Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for reclaimed water.]

Sponsors: Senators Rockefeller, Honeyford, Pridemore and Kilmer.

Brief History:

Committee Activity: Environment, Water & Energy: 1/28/09, 1/30/09 [DPS].

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Majority Report: That Substitute Senate Bill No. 5485 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser, Hatfield, Marr, Ranker and Sheldon.

Staff: Karen Epps (786-7424)

Background: Reclaimed water is an effluent derived from a wastewater treatment system that has been treated in order to be suitable for a beneficial use or a controlled use that otherwise would not occur. Reclaimed water may be used for a variety of nonpotable water purposes including irrigation, agricultural uses, industrial and commercial uses, stream flow augmentation, dust control, fire suppression, surface percolation, and discharge into constructed wetlands.

Water-sewer districts (districts) provide water and sewer services to incorporated and unincorporated areas. Districts are established through a petition, public hearing, and voter approval process and are each managed by a board of three or five elected commissioners who serve staggered six-year terms.

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.

District powers include the authority to purchase, construct, maintain, and supply waterworks to furnish an ample supply of water to inhabitants within and outside of the district. Districts have full authority to regulate and control the use, content, distribution, and price of the supplied water in a manner consistent with legal provisions.

Commissioners must evaluate certain water-sewer systems in order to create a general comprehensive plan. These systems include water supply systems, sewer systems, drainage systems, and street lighting systems. Before ordering any improvements or submitting to vote any propositions for incurring any indebtedness, a general comprehensive plan must be adopted by the commission for the type or types of facilities the district proposes to provide. A district may prepare a separate general comprehensive plan for each of these services or combine any of the plans into a single general comprehensive plan.

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

Summary of Bill (Recommended Substitute): District powers include the authority to construct, condemn and purchase, add to, maintain, and operate systems of reclaimed water under the reclaimed water statutes so that water-sewer districts may provide reclaimed water for authorized uses and purposes.

Commissioners must prepare a general comprehensive plan for a reclaimed water system. The plan must provide for treatment plants for portions of the district as may be reasonably served, provide for a plan to acquire necessary land and easements, and for the acquisition or construction of facilities and systems necessary to transport the reclaimed water throughout the district. The plan must also provide a long-term financing plan for financing planned reclaimed water projects, including the creation of local improvement districts or utility local improvement districts and whether the cost and expenses will be paid from revenue or general obligation bonds.

EFFECT OF CHANGES MADE BY ENVIRONMENT, WATER & ENERGY COMMITTEE (Recommended Substitute): The substitute changes the terminology in the bill from "wastewater reclamation" to "reclaimed water." Additionally, the substitute removes the section of the bill that prohibited a city, county, or other special purpose district from providing service within the corporate boundaries of a water-sewer district that provides service or is authorized to provide service in that area without the prior approval of the water-sewer district.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: Water and Sewer Districts are seeing the need to pursue reclaimed water projects, putting that water to beneficial use, and their charters are limited in their ability to pursue reclaimed water projects. This bill would expand their powers to allow them to pursue reclaimed water projects. Our water resources are limited and the more we can encourage recapturing those waters to use again, the better off we are. Water and Sewer Districts want to work towards keeping a sustainable water supply system by using reclaimed water.

Persons Testifying: PRO: Joe Daniels, Washington State Association of Water/Sewer Districts; Larry Curles, West Sound Water District; Marcus Hoffman, Silverdale Water District.