

HOUSE BILL REPORT

SSB 5606

As Reported By House Committee On:

Agriculture & Ecology

Title: An act relating to water conservation and the reclamation and direct beneficial use of wastewater.

Brief Description: Providing for use of reclaimed water.

Sponsors: Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Haugen, Owen, McCaslin, Swecker, Newhouse, Oke, Rasmussen, Winsley, Morton and Schow).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/20/95, 3/30/95 [DPA].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 17 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Staff: Bill Lynch (786-7092).

Background: In 1992, the Legislature enacted legislation encouraging the use of reclaimed water. The departments of Ecology and Health were directed to adopt a single set of standards, procedures and guidelines by August 1, 1993, for land application of reclaimed water and for industrial and commercial use of reclaimed water.

"Reclaimed water" is defined as effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated so that it is suitable for a direct beneficial use or a controlled use that would otherwise not occur.

Before reclaimed water may be applied to the land, a reclaimed water permit must be issued by the Department of Ecology. The department may issue a permit to a government entity or to a holder of a waste discharge permit, who must distribute the

water according to the provisions of the permit governing the location, rate, water quality, and purpose of use.

It is suggested that the development of water reclamation facilities should be encouraged so that more reclaimed water is made available.

State law permits water rights or portions of water rights to be transferred to other uses or places if the transfer can be made without detriment or injury to existing rights. If the transfer involves surface water supplied by an irrigation district and the transferred water remains in the district, the transfer need be approved only by the irrigation district. Other transfers must be approved by the Department of Ecology. In consideration for the financial assistance the state provides for a water conservation project, the state may receive a portion of the net water savings as a trust water right. State statutes do not expressly provide for the transfer of conserved water under other circumstances. Indeed, if a portion of a water right is not beneficially used for five consecutive years without sufficient cause recognized by statute, that portion of the right reverts to the state.

Summary of Amended Bill: The departments of Ecology and Health are directed to undertake the necessary steps to encourage the development of water reclamation facilities to help meet the increasing demand in the state for water.

Reclaimed water may be used for surface spreading if the reclaimed water meets the criteria for groundwater recharge, is incorporated into a sewer or water comprehensive plan, and is approved by the Department of Ecology or the Department of Health. "Surface spreading" is defined as the controlled application of water to the ground surface for the purpose of replenishing ground water. If the state ground water recharge criteria do not contain a numeric standard for a constituent or contaminant, the Department of Ecology must establish a discharge limit.

Reclaimed water may be used for discharge to created wetlands if it meets class A reclaimed water standards, is incorporated into a sewer or water comprehensive plan, and is approved by the Department of Ecology or the Department of Health. If reclaimed water does not meet the class A reclaimed water standards, the Department of Ecology may approve its discharge to created wetlands on a pilot basis to test use of such wetlands for advanced treatment. The Department of Ecology must, in consultation with the Department of Health, adopt a single set of standards, procedures, and guidelines for discharge of reclaimed water to wetlands by June 30, 1996. No agency may use a definition of what constitutes a wetland which exceeds the definition used by the United States Army Corps of Engineers.

Reclaimed water may be used for streamflow augmentation where federal and state water pollution control laws are met, the use is incorporated into local sewer or water plans, and is approved by the Department of Ecology.

The Department of Ecology must, in consultation with the Department of Health, adopt a single set of standards, procedures, and guidelines for direct recharge using reclaimed water by December 31, 1996. The standards must address both water quality considerations and avoidance of property damage due to excessive recharge.

The departments of Ecology and Health must review potential conflicts between reclaimed water projects and existing rules pertaining to the Lake Washington basin and propose amendments if necessary by December 31, 1995. The departments must consult with local interested parties in conducting this review.

The Water Reuse Advisory Committee must include representation from water utilities.

New rules are established for water made surplus to a water right through the implementation of practices or technologies that are more efficient or more water use efficient than those under which the right was perfected and for water made surplus through a change in the crops grown with the water. If the water is not supplied by an irrigation district, the person who holds the water right may use the water on other lands owned by the person that are contiguous to the lands upon which use of the water was authorized before this change in use. The person who holds the water right is to notify the Department of Ecology of the change. The notification provides a change in the person's water right and the department is to revise its records for the right accordingly.

If the water is supplied by an irrigation district, an individual water user does not have a right to such water made surplus through a change in the crops grown. However, the water made surplus through such crop changes may be used for the benefit of the district generally. The use of the water made surplus through the efficiency or water use efficiency practices or technologies is regulated solely by the irrigation district and must be approved or authorized by the district. If the use of such surplus water results in the total irrigated acreage within the district exceeding the irrigated acreage recorded with the department for the district's water right, the board is to notify the department of the change. The notification provides a change in the district's water right and the department is to revise its records for the right accordingly.

Whether the water is or is not supplied by an irrigation district, the priority date for the right to the use of the surplus water is the same as for the original water right.

The Department of Ecology may not initiate relinquishment proceedings regarding a water right for which an application for a transfer or change is filed for a period of two years after the application is filed. The requirements for applications for new water rights do not apply to transfers of water rights.

Amended Bill Compared to Substitute Bill: An appropriation is added for the Department of Health. A report is added by the departments of Health and Ecology to the appropriate legislative committees on the implementation of this legislation. Agencies are prohibited from using a definition of "wetland" that is more restrictive than the U.S. Army Corps of Engineers. Provisions are added for use of conserved water.

Appropriation: The sum of \$100,000 is appropriated from the state and local improvements revolving account water supply facilities of the general fund (Referendum 38), to the Department of Health.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: The use of reclaimed water should be encouraged. This represents a compromise between interest groups and is an outgrowth of a pilot program. Reclaimed water has important uses as a commercial and industrial coolant as well as application to the land.

Testimony Against: (Original bill) This legislation does not contain funding.

Testified: Senator Fraser (prime sponsor); Jerry Harper, Pt. Blakely Tree Farms (pro); Dave Parkinson, Greater Seattle Chamber of Commerce (pro); Mary Burke (commented); Mike Llewelyn, Department of Ecology (pro with concerns); and Dave Clark, Department of Health (pro with concerns).