
HOUSE BILL 1544

State of Washington

54th Legislature

1995 Regular Session

By Representatives Chandler, Mastin, Lisk, Jacobsen, Backlund, Sheldon, Van Loven, B. Thomas, Honeyford, Johnson, Thompson, Dyer, McMorris, Hickel, Mulliken and Hymes

Read first time 01/30/95. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to water conservation and the reclamation and
2 direct beneficial use of wastewater; amending RCW 90.46.005, 90.46.010,
3 and 90.46.040; adding new sections to chapter 90.46 RCW; adding a new
4 section to chapter 90.48 RCW; creating a new section; and declaring an
5 emergency.

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

7 **Sec. 1.** RCW 90.46.005 and 1992 c 204 s 1 are each amended to read
8 as follows:

9 The legislature finds that by encouraging the use of reclaimed
10 water while assuring the health and safety of all Washington citizens
11 and the protection of its environment, the state of Washington will
12 continue to use water in the best interests of present and future
13 generations.

14 To facilitate the ((~~opportunity to~~)) use of reclaimed water as soon
15 as is practicable, the legislature encourages the cooperative efforts
16 of the public and private sectors and the use of pilot projects to
17 effectuate the goals of this chapter. The legislature further directs
18 the department of health and the department of ecology to coordinate

1 efforts towards developing an efficient and streamlined process for
2 creating and implementing processes for the use of reclaimed water.

3 It is hereby declared that the people of the state of Washington
4 have a primary interest in the development of facilities to provide
5 reclaimed water to replace potable water in nonpotable applications, to
6 supplement existing surface and ground water supplies, and to assist in
7 meeting the future water requirements of the state.

8 The legislature further finds and declares that the utilization of
9 reclaimed water by local communities for domestic, agricultural,
10 industrial, recreational, and fish and wildlife habitat creation and
11 enhancement purposes, including wetland enhancement, will contribute to
12 the peace, health, safety, and welfare of the people of the state of
13 Washington. To the extent reclaimed water is appropriate for
14 beneficial uses, it should be so used to preserve potable water for
15 drinking purposes. Use of reclaimed water constitutes the development
16 of new basic water supplies needed for future generations.

17 The legislature further finds and declares that the use of
18 reclaimed water is not inconsistent with the policy of antidegradation
19 of state waters announced in other state statutes, including the water
20 pollution control act, chapter 90.48 RCW and the water resources act,
21 chapter 90.54 RCW.

22 The legislature finds that other states, including California,
23 Florida, and Arizona, have successfully used reclaimed water for
24 potable and nonpotable uses to supplement existing water supplies
25 without threatening existing resources or public health.

26 It is the intent of the legislature that the department of ecology
27 and the department of health undertake the necessary steps to encourage
28 the development of water reclamation facilities so that reclaimed water
29 may be made available to help meet the growing water requirements of
30 the state.

31 **Sec. 2.** RCW 90.46.010 and 1992 c 204 s 2 are each amended to read
32 as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

35 (1) "Greywater" means sewage having the consistency and strength of
36 residential domestic type wastewater. Greywater includes wastewater
37 from sinks, showers, and laundry fixtures, but does not include toilet
38 or urinal waters.

1 (2) "Land application" means application of treated effluent for
2 purposes of irrigation or landscape enhancement for residential,
3 business, and governmental purposes.

4 (3) "Person" means any state, individual, public or private
5 corporation, political subdivision, governmental subdivision,
6 governmental agency, municipality, copartnership, association, firm,
7 trust estate, or any other legal entity whatever.

8 (4) "Reclaimed water" means effluent derived in any part from
9 sewage from a wastewater treatment system that has been adequately and
10 reliably treated, so that as a result of that treatment, it is suitable
11 for a direct beneficial use or a controlled use that would not
12 otherwise occur and is no longer considered wastewater.

13 (5) "Sewage" means water-carried human wastes, including kitchen,
14 bath, and laundry waste from residences, buildings, industrial and
15 commercial establishments, or other places, together with such ground
16 water infiltration, surface waters, or industrial wastewater as may be
17 present.

18 (6) "User" means any person who uses reclaimed water.

19 (7) "Wastewater" means water and wastes discharged from homes,
20 businesses, and industry to the sewer system.

21 (8) "Direct beneficial use" means the use of reclaimed water, that
22 has been transported from the point of production to the point of use
23 without an intervening discharge to the waters of the state, for a
24 beneficial purpose.

25 (9) "Direct recharge" means the controlled subsurface addition of
26 water directly to the ground water basin that results in the
27 replenishment of ground water used or suitable for use as a source of
28 domestic water supply.

29 (10) "Environmental enhancement" means the use of reclaimed water
30 for flow augmentation of natural streams, wildlife habitats, wetlands,
31 and aesthetic settings, such as lakes.

32 (11) "Ground water recharge criteria" means the contaminant
33 criteria found in the state ground water quality regulations as WAC
34 173-200-040.

35 (12) "Planned ground water recharge project" means any reclaimed
36 water project designed for the purpose of recharging ground water, via
37 direct recharge or surface spreading, or suitable for use as a source
38 for domestic water supply.

1 (13) "Reclamation criteria" means the criteria set forth in the
2 water reclamation and reuse interim standards adopted by the department
3 of ecology and the department of health.

4 (14) "Surface spreading" means the controlled application of water
5 to the ground surface for the purpose of replenishing ground water used
6 or suitable for use as a source of domestic water supply.

7 **Sec. 3.** RCW 90.46.040 and 1992 c 204 s 5 are each amended to read
8 as follows:

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

13 (2) A permit is required for any land application of reclaimed
14 water. The department of ecology may issue a reclaimed water permit
15 under chapter 90.48 RCW to the generator of reclaimed water who may
16 then distribute the water, subject to provisions in the permit
17 governing the location, rate, water quality, and purpose of use. The
18 department of ecology shall not issue more than one permit for any
19 individual land application of reclaimed water to a single generator.

20 (3) In cases where the department of ecology determines, in land
21 applications of reclaimed water, that a significant risk to the public
22 health exists, the department shall refer the application to the
23 department of health for review and consultation and the department of
24 health may require fees appropriate for review and consultation from
25 the applicant pursuant to RCW 43.70.250.

26 (4) A permit under this section for use of reclaimed water may be
27 issued (~~only~~) to a municipal, quasi-municipal, or other governmental
28 entity, or any other person, or to the holder of a waste discharge
29 permit issued under chapter 90.48 RCW.

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

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.46 RCW
35 to read as follows:

36 (1) Reclaimed water may be beneficially used for direct recharge or
37 surface spreading provided the reclaimed water meets the ground water

1 recharge criteria. Reclaimed water beneficially used for other
2 purposes, including environmental enhancement, must meet the
3 reclamation criteria. Reclaimed water may not cause a stream to become
4 an effluent-dominated stream in violation of the federal water
5 pollution control act, nor may reclaimed water discharges cause
6 degradation of outstanding natural resource waters as defined by the
7 federal water pollution control act.

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

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.46 RCW
13 to read as follows:

14 (1) Reclaimed water intended for direct beneficial use, including
15 environmental enhancement, may be discharged in the Lake Washington
16 Basin, as defined in chapter 372-32 WAC, provided the reclaimed water
17 entering Lake Washington or Lake Sammamish meets the reclamation
18 criteria.

19 (2) No later than December 31, 1995, the department of ecology and
20 the department of health shall jointly amend chapter 372-32 WAC to
21 establish numeric criteria for reclaimed water beneficially used in the
22 Lake Washington Basin.

23 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.48 RCW
24 to read as follows:

25 The department of ecology is authorized to issue waste discharge
26 permits to any person operating or proposing to operate a water
27 reclamation system on private property so long as the water reclamation
28 system is operated on property owned or controlled by the permit
29 applicant and the water is used on the permit applicant's property or
30 other property approved by the local water or sewer authority.

31 NEW SECTION. **Sec. 7.** This act shall not be construed as affecting
32 any existing right acquired or liability or obligation incurred under
33 the sections amended or repealed in this act or under any rule or order
34 adopted under those sections, nor as affecting any proceeding
35 instituted under those sections.

1 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.

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