

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5606**

Chapter 342, Laws of 1995

54th Legislature  
1995 Regular Session

RECLAIMED WATER USE

EFFECTIVE DATE: 5/11/95

Passed by the Senate March 10, 1995  
YEAS 46 NAYS 0

JOEL PRITCHARD

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**President of the Senate**

Passed by the House April 23, 1995  
YEAS 94 NAYS 0

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved May 11, 1995

MIKE LOWRY

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**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5606** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

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**Secretary**

FILED

May 11, 1995 - 1:34 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5606**

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Passed Legislature - 1995 Regular Session

**State of Washington                      54th Legislature                      1995 Regular Session**

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

Read first time 02/23/95.

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 90.46.050; adding new sections to chapter 90.46 RCW; creating a new  
4 section; and declaring an emergency.

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

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

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

13            To facilitate the ((~~opportunity to~~)) use of reclaimed water as soon  
14 as is practicable, the legislature encourages the cooperative efforts  
15 of the public and private sectors and the use of pilot projects to  
16 effectuate the goals of this chapter. The legislature further directs  
17 the department of health and the department of ecology to coordinate  
18 efforts towards developing an efficient and streamlined process for  
19 creating and implementing processes for the use of reclaimed water.

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

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

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

20 The legislature finds that other states, including California,  
21 Florida, and Arizona, have successfully used reclaimed water to  
22 supplement existing water supplies without threatening existing  
23 resources or public health.

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

29 The legislature further finds and declares that reclaimed water  
30 facilities are water pollution control facilities as defined in chapter  
31 70.146 RCW and are eligible for financial assistance as provided in  
32 chapter 70.146 RCW.

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

35 Unless the context clearly requires otherwise, the definitions in  
36 this section apply throughout this chapter.

37 (1) "Greywater" means ((sewage)) wastewater having the consistency  
38 and strength of residential domestic type wastewater. Greywater

1 includes wastewater from sinks, showers, and laundry fixtures, but does  
2 not include toilet or urinal waters.

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

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

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

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

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

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

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

27 (9) "Direct recharge" means the controlled subsurface addition of  
28 water directly to the ground water basin that results in the  
29 replenishment of ground water.

30 (10) "Ground water recharge criteria" means the contaminant  
31 criteria found in the drinking water quality standards adopted by the  
32 state board of health pursuant to chapter 43.20 RCW and the department  
33 of health pursuant to chapter 70.119A RCW.

34 (11) "Planned ground water recharge project" means any reclaimed  
35 water project designed for the purpose of recharging ground water, via  
36 direct recharge or surface spreading.

37 (12) "Reclamation criteria" means the criteria set forth in the  
38 water reclamation and reuse interim standards and subsequent revisions  
39 adopted by the department of ecology and the department of health.

1       (13) "Streamflow augmentation" means the discharge of reclaimed  
2 water to rivers and streams of the state or other surface water bodies,  
3 but not wetlands.

4       (14) "Surface spreading" means the controlled application of water  
5 to the ground surface for the purpose of replenishing ground water.

6       (15) "Wetland or wetlands" means areas that are inundated or  
7 saturated by surface water or ground water at a frequency and duration  
8 sufficient to support, and that under normal circumstances do support,  
9 a prevalence of vegetation typically adapted to life in saturated soil  
10 conditions. Wetlands generally include swamps, marshes, bogs, and  
11 similar areas.

12       (16) "Created wetlands" means a wetland intentionally created from  
13 a nonwetland site to produce or replace natural habitat.

14       NEW SECTION. Sec. 3. A new section is added to chapter 90.46 RCW  
15 to read as follows:

16       (1) Reclaimed water may be beneficially used for surface spreading  
17 provided the reclaimed water meets the ground water recharge criteria  
18 as measured in ground water beneath or down gradient of the recharge  
19 project site, and has been incorporated into a sewer or water  
20 comprehensive plan, as applicable, adopted by the applicable local  
21 government and approved by the department of health or department of  
22 ecology as applicable.

23       (2) If the state ground water recharge criteria as defined by RCW  
24 90.46.010 do not contain a standard for a constituent or contaminant,  
25 the department of ecology shall establish a discharge limit consistent  
26 with the goals of this chapter.

27       NEW SECTION. Sec. 4. A new section is added to chapter 90.46 RCW  
28 to read as follows:

29       (1) Reclaimed water may be beneficially used for discharge into  
30 created wetlands provided the reclaimed water meets the class A  
31 reclaimed water standard as defined in the reclamation criteria, and  
32 the discharge is incorporated into a sewer or water comprehensive plan,  
33 as applicable, adopted by the applicable local government and approved  
34 by the department of health or department of ecology as applicable.

35       (2) Reclaimed water that does not meet the class A reclaimed water  
36 standard may be beneficially used for discharge into created wetlands  
37 where the department of ecology has specifically authorized such use at

1 such lower standard in conjunction with a pilot project designated  
2 pursuant to this chapter, the purpose of which is to test and implement  
3 the use of created wetlands for advanced treatment.

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

6 Reclaimed water intended for beneficial reuse may be discharged for  
7 streamflow augmentation provided the reclaimed water meets the  
8 requirements of the federal water pollution control act, chapter 90.48  
9 RCW, and is incorporated into a sewer or water comprehensive plan, as  
10 applicable, adopted by the applicable local government and approved by  
11 the department of health or department of ecology as applicable.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.46 RCW  
13 to read as follows:

14 The department of ecology shall, in consultation with the  
15 department of health, adopt a single set of standards, procedures, and  
16 guidelines, on or before December 31, 1996, for direct recharge using  
17 reclaimed water. The standards shall address both water quality  
18 considerations and avoidance of property damage from excessive  
19 recharge.

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 90.46 RCW  
21 to read as follows:

22 The department of ecology shall, in consultation with the  
23 department of health, adopt a single set of standards, procedures, and  
24 guidelines, on or before June 30, 1996, for discharge of reclaimed  
25 water to wetlands.

26 NEW SECTION. **Sec. 8.** A new section is added to chapter 90.46 RCW  
27 to read as follows:

28 On or before December 31, 1995, the department of ecology and  
29 department of health shall, in consultation with local interested  
30 parties, jointly review and, if required, propose amendments to chapter  
31 372-32 WAC to resolve conflicts between the development of reclaimed  
32 water projects in the Puget Sound region and chapter 372-32 RCW.

33 **Sec. 9.** RCW 90.46.050 and 1992 c 204 s 6 are each amended to read  
34 as follows:

1       (~~(1)~~) The department of health shall, before (~~May 1, 1992~~) July  
2 1, 1995, form an advisory committee, in coordination with the  
3 department of ecology and the department of agriculture, which will  
4 provide technical assistance in the development of standards,  
5 procedures, and guidelines required by this chapter. Such committee  
6 shall be composed of individuals from the public water and wastewater  
7 utilities, landscaping enhancement industry, commercial and industrial  
8 application community, and any other persons deemed technically helpful  
9 by the department of health.

10       (~~(2) The department of health shall report to the joint select~~  
11 ~~committee on water resource policy by December 1, 1992, on the fee~~  
12 ~~structure which has been recommended under RCW 90.46.030(3) and review~~  
13 ~~fees authorized under RCW 90.46.040(3).)~~)

14       NEW SECTION.     **Sec. 10.**     This act shall not be construed as  
15 affecting any existing right acquired or liability or obligation  
16 incurred under the sections amended or repealed in this act or under  
17 any rule or order adopted under those sections, nor as affecting any  
18 proceeding instituted under those sections.

19       NEW SECTION.     **Sec. 11.**     This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and shall take  
22 effect immediately.

Passed the Senate March 10, 1995.  
Passed the House April 23, 1995.  
Approved by the Governor May 11, 1995.  
Filed in Office of Secretary of State May 11, 1995.