

2 **ESSB 5725 - H AMD 526 ADOPTED 4-11-97**

3 By Representative Chandler

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5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.46 RCW
8 to read as follows:

9 The owner of a wastewater treatment facility that is reclaiming
10 water with a permit issued under this chapter has the exclusive right
11 to any reclaimed water generated by the wastewater treatment facility.
12 Use and distribution of the reclaimed water by the owner of the
13 wastewater treatment facility is exempt from the permit requirements of
14 RCW 90.03.250 and 90.44.060. Revenues derived from the reclaimed water
15 facility shall be used only to offset the cost of operation of the
16 wastewater utility fund or other applicable source of system-wide
17 funding.

18 If the proposed use or uses of reclaimed water are intended to
19 augment or replace potable water supplies or create the potential for
20 the development of additional potable water supplies, such use or uses
21 shall be considered in the development of the regional water supply
22 plan or plans addressing potable water supply service by multiple water
23 purveyors. The owner of a wastewater treatment facility that proposes
24 to reclaim water shall be included as a participant in the development
25 of such regional water supply plan or plans.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW
27 to read as follows:

28 The permit requirements of RCW 90.03.250 do not apply to the use of
29 reclaimed water by the owner of a wastewater treatment facility under
30 the provisions of section 1 of this act.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.44 RCW
32 to read as follows:

1 The permit requirements of RCW 90.44.060 do not apply to the use of
2 reclaimed water by the owner of a wastewater treatment facility under
3 the provisions of section 1 of this act.

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

6 Facilities that reclaim water under this chapter shall not impair
7 any existing water right downstream from any freshwater discharge
8 points of such facilities unless compensation or mitigation for such
9 impairment is agreed to by the holder of the affected water right.

10 **Sec. 5.** RCW 90.46.010 and 1995 c 342 s 2 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Greywater" means wastewater having the consistency and
15 strength of residential domestic type wastewater. Greywater includes
16 wastewater from sinks, showers, and laundry fixtures, but does not
17 include toilet or urinal waters.

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

21 (3) "Person" means any state, individual, public or private
22 corporation, political subdivision, governmental subdivision,
23 governmental agency, municipality, copartnership, association, firm,
24 trust estate, or any other legal entity whatever.

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

30 (5) "Sewage" means water-carried human wastes(~~((including kitchen,~~
31 ~~bath, and laundry waste))~~) from residences, buildings, industrial and
32 commercial establishments, or other places, together with such ground
33 water infiltration, surface waters, or industrial wastewater as may be
34 present.

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

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

1 (8) "~~(Direct)~~ Beneficial use" means the use of reclaimed water,
2 that has been transported from the point of production to the point of
3 use without an intervening discharge to the waters of the state, for a
4 beneficial purpose.

5 (9) "Direct recharge" means the controlled subsurface addition of
6 water directly to the ground water basin that results in the
7 replenishment of ground water.

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

12 (11) "Planned ground water recharge project" means any reclaimed
13 water project designed for the purpose of recharging ground water, via
14 direct recharge or surface ~~((spreading))~~ percolation.

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

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

21 (14) "Surface ~~((spreading))~~ percolation" means the controlled
22 application of water to the ground surface for the purpose of
23 replenishing ground water.

24 (15) "Wetland or wetlands" means areas that are inundated or
25 saturated by surface water or ground water at a frequency and duration
26 sufficient to support, and that under normal circumstances do support,
27 a prevalence of vegetation typically adapted to life in saturated soil
28 conditions. Wetlands generally include swamps, marshes, bogs, and
29 similar areas. Wetlands regulated under this chapter shall be
30 delineated in accordance with the manual adopted by the department of
31 ecology pursuant to RCW 90.58.380.

32 ~~((("Created wetlands" means a wetland intentionally created~~
33 ~~from a nonwetland site to produce or replace natural habitat.))~~
34 "Constructed beneficial use wetlands" means those wetlands
35 intentionally constructed on nonwetland sites to produce or replace
36 natural wetland functions and values. Constructed beneficial use
37 wetlands are considered "waters of the state."

38 (17) "Constructed treatment wetlands" means those wetlands
39 intentionally constructed on nonwetland sites and managed for the

1 primary purpose of wastewater or storm water treatment. Constructed
2 treatment wetlands are considered part of the collection and treatment
3 system and are not considered "waters of the state."

4 **Sec. 6.** RCW 90.46.080 and 1995 c 342 s 3 are each amended to read
5 as follows:

6 (1) Reclaimed water may be beneficially used for surface
7 (~~spreading~~) percolation provided the reclaimed water meets the
8 ground water recharge criteria as measured in ground water beneath or
9 down gradient of the recharge project site, and has been incorporated
10 into a sewer or water comprehensive plan, as applicable, adopted by the
11 applicable local government and approved by the department of health or
12 department of ecology as applicable.

13 (2) If the state ground water recharge criteria as defined by RCW
14 90.46.010 do not contain a standard for a constituent or contaminant,
15 the department of ecology shall establish a discharge limit consistent
16 with the goals of this chapter.

17 (3) Reclaimed water that does not meet the ground water recharge
18 criteria may be beneficially used for surface percolation where the
19 department of ecology, in consultation with the department of health,
20 has specifically authorized such use at such lower standard.

21 **Sec. 7.** RCW 90.46.090 and 1995 c 342 s 4 are each amended to read
22 as follows:

23 (1) Reclaimed water may be beneficially used for discharge into
24 (~~created~~) constructed beneficial use wetlands and constructed
25 treatment wetlands provided the reclaimed water meets the class A or B
26 reclaimed water standards as defined in the reclamation criteria, and
27 the discharge is incorporated into a sewer or water comprehensive plan,
28 as applicable, adopted by the applicable local government and approved
29 by the department of health or department of ecology as applicable.

30 (2) Reclaimed water that does not meet the class A or B reclaimed
31 water standards may be beneficially used for discharge into (~~created~~)
32 constructed treatment wetlands where the department of ecology, in
33 consultation with the department of health, has specifically authorized
34 such use at such lower standards (~~in conjunction with a pilot project~~
35 ~~designated pursuant to this chapter, the purpose of which is to test~~
36 ~~and implement the use of created wetlands for advanced treatment~~)).

1 (3) The department of ecology and the department of health must
2 develop appropriate standards for discharging reclaimed water into
3 constructed beneficial use wetlands and constructed treatment wetlands.
4 These standards must be considered as part of the approval process
5 under subsections (1) and (2) of this section.

6 NEW SECTION. Sec. 8. A new section is added to chapter 90.46 RCW
7 to read as follows:

8 (1) The department of health shall develop standards, procedures,
9 and guidelines for the reuse of greywater, consistent with RCW
10 43.20.230(2), by January 1, 1998.

11 (2) Standards, procedures, and guidelines developed by the
12 department of health for reuse of greywater shall encourage the
13 application of this technology for conserving water resources, or
14 reducing the wastewater load, on domestic wastewater facilities,
15 individual on-site sewage treatment and disposal systems, or community
16 on-site sewage treatment and disposal systems.

17 (3) The department of health and local health officers may permit
18 the reuse of greywater according to rules adopted by the department of
19 health.

20 NEW SECTION. Sec. 9. A new section is added to chapter 90.48 RCW
21 to read as follows:

22 The evaluation of any plans submitted under RCW 90.48.110 must
23 include consideration of opportunities for the use of reclaimed water
24 as defined in RCW 90.46.010.

25 NEW SECTION. Sec. 10. The department of ecology and the
26 department of health shall report on the progress of the implementation
27 of chapter 342, Laws of 1995, as amended by chapter . . . , Laws of 1997
28 (this act) to the members of the agriculture and ecology committee of
29 the house of representatives and the members of the agriculture and
30 environment committee of the senate by December 15, 1997.

31 NEW SECTION. Sec. 11. If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected."

1 Correct the title.

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