

HOUSE BILL REPORT

ESSB 5725

As Reported By House Committee On:
Agriculture & Ecology

Title: An act relating to reclaimed water.

Brief Description: Changing provisions relating to reclaimed water.

Sponsors: Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker and McDonald).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/31/97, 4/3/97 [DPA].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

Staff: Bill Lynch (786-7092).

Background: In 1992, the Legislature enacted the Reclaimed Water Act to encourage and facilitate water reuse. Reclaimed water is an effluent derived from a wastewater treatment system that has been treated so that it is suitable for a beneficial use. The act requires a permit from the Department of Health for commercial or industrial uses of reclaimed water, and a permit from the Department of Ecology for land application of reclaimed water. A reclaimed water permit may only be issued to a unit of local government or to the holder of a water quality discharge permit.

A generator permitted under the Reclaimed Water Act may distribute the water subject to provisions in the permit governing the location, rate, water quality, and use. However, the act is silent on whether this use constitutes a new water right.

Summary of Amended Bill: The owner of a wastewater treatment facility that generates reclaimed water under a reclaimed water permit has the exclusive right to that water. A permit for a new water right is not required. The facility may not impair any existing water right downstream from any freshwater discharge points of

such facilities unless compensation is agreed to by the holder of the affected water right.

Any revenues from the reclaimed water facility must be used to offset the cost of operating the wastewater utility fund or other system-wide funding. If the reclaimed water will augment, replace, or develop potable water supplies, it must be considered in the regional water supply plan development. The owner of a wastewater facility must be included in the development of a regional water supply plan.

Amended Bill Compared to Engrossed Substitute Bill: Language is added to specify that revenue from reclaimed water facilities must be returned to the ratepayers, reclaimed water must be considered as part of a water supply plan if it augments or replaces potable water, and the owner of a wastewater facility must be included in the development of regional water supply plans. Impairment language is clarified so that it applies only to water right holders downstream from any freshwater discharge points of a facility.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: There is an urgency to move forward with legislation. King County could use reclaimed water during peak water use months of summer. The wastewater system is already at capacity.

Testimony Against (original): This bill is premature. Some cities are concerned with King County becoming a water purveyor.

Testified: Walter Canter and Ron Spears, Washington State Water and Sewer; Pat Hankins, City of Sea-Tac; Mary Gates, City of Federal Way; Pam Bissonnette, King County Department of Natural Resources; Lori Johnson, R.D. Merrill Co., Arrowleaf Destination Resort; and Joe Daniels, Washington Association of Sewer and Water Districts (in favor). Margaret Pageler, City of Seattle (concerns).