

SENATE BILL REPORT

ESSB 5725

As Passed Senate, March 18, 1997

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 & Environment: 2/26/97, 2/27/97 [DPS, DNP].
Passed Senate, 3/18/97, 49-0.

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 5725 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Swecker, Oke and Rasmussen.

Minority Report: Do not pass.

Signed by Senator Fraser.

Staff: Kari Guy (786-7437)

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 or reclaimed water, and a permit from the Department of Ecology for land application of reclaimed water. In practice, both uses of reclaimed water are permitted as a part of the generator's 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 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 unless compensation is agreed to by the holder of the affected water right.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The public expects effective water use and conservation. This bill will encourage water reuse. The bill would remove cumbersome administrative procedures for determining rights of reclaimed water, and allow wastewater plants to better plan for future infrastructure needs.

Testimony Against: None.

Testified: Maureen Welch, Mark Isascson, King County (pro); Paul Parker, Washington Association of Counties.

House Amendment(s): Revenues from the use of reclaimed water may be used only to offset the costs of the wastewater utility. Use of reclaimed water must be consistent with regional water supply plans.

Reclaimed water that does not meet the groundwater recharge criteria may be used for surface percolation when the Department of Ecology, in consultation with the Department of Health, has specifically authorized this use at a lower standard.

Created wetlands defined in the Reclaimed Water Act are divided into two classes. Constructed beneficial use wetlands are wetlands constructed to replace natural wetland functions and values. Constructed treatment wetlands are wetlands constructed for the primary purpose of wastewater or storm water treatment. Both types of wetlands must be delineated according to the 1987 manual adopted by the Army Corps of Engineers.

Reclaimed water may be discharged into constructed beneficial use wetlands or constructed treatment wetlands if the water meets the Class A or B reclaimed water standards. Reclaimed water that does not meet the Class A or B reclaimed water standards may be discharged into constructed treatment wetlands when specifically authorized by the Department of Ecology in consultation with the Department of Health.

The Department of Ecology and Department of Health must develop and implement standards for discharging reclaimed water into constructed beneficial use wetlands and constructed treatment wetlands.

When plans are submitted to the Department of Ecology for the construction of new sewerage systems, sewage treatment or disposal systems, or improvements to those systems, they must include consideration of opportunities for using reclaimed water.

The Department of Health and the Department of Ecology must report on the progress of implementing the reclaimed water laws to the House Agriculture and Ecology Committee and the Senate Agriculture and Environment Committee by December 15, 1997.

The Department of Health must develop standards, procedures, and guidelines for the reuse of greywater by January 1, 1998. The Department of Health and local health officers may permit the use of greywater under rules adopted by the department.