

HOUSE BILL REPORT

SSB 5925

As Passed House:

April 5, 2001

Title: An act relating to agricultural industrial process water.

Brief Description: Reusing waste water derived from food processing.

Sponsors: By Senate Committee on Environment, Energy & Water (originally sponsored by Senators Jacobsen, Honeyford, Fraser, Rasmussen and Morton).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/27/01, 3/29/01 [DP].

Floor Activity:

Passed House: 4/5/01, 97-0.

Brief Summary of Substitute Bill

- Creates a permit process for application of agricultural industrial process water to agricultural water use by agricultural processing plant owners.
- Defines "agricultural processing" for purposes of the agricultural industrial process water permit to include processing of crops or milk for wholesale or retail sale and specifies "agricultural water use" is water use for irrigation and other uses related to production of agricultural products.
- Specifies agricultural industrial process water permits may not impair existing water rights to surface waters downstream of the agricultural processing plant.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 13 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler, Delvin, Dunshee, Grant, Hunt, Quall, Roach, Schoesler and Sump.

Staff: Caroleen Dineen (786-7156).

Background:

Reclaimed water is an effluent derived from a wastewater treatment system that has been treated to be suitable for a beneficial use or a controlled use that would otherwise not occur. The Department of Health (DOH) may issue permits for commercial or industrial uses of reclaimed water to the water generator. A reclaimed water permit may only be issued to a governmental entity or to the holder of a water quality waste discharge permit.

Reclaimed water may be used for a variety of purposes. A generator receiving a permit for land application of reclaimed water from the Department of Ecology (DOE) may distribute the water subject to provisions in the permit governing the location, rate, water quality, and use. Reclaimed water also may be used for surface spreading, for discharge into constructed beneficial use wetlands and constructed treatment wetlands, and for streamflow augmentation under specified conditions.

Summary of Bill:

A permit process is established for owners of agricultural processing plants generating agricultural industrial process water to apply to the Department of Ecology (DOE) for application of agricultural industrial process water to agricultural water use. This process is created in the reclaimed water statutes and is distinct from the water rights permit processes established in the ground water and surface water statutes. The permit process created for agricultural industrial process water does not affect any rights to reuse agricultural industrial discharge water existing on or before the effective date of the new permit authority.

An agricultural processing plant owner must apply to the DOE for a permit for distribution of agricultural industrial process water through distribution methods including irrigation systems. Permit provisions govern the location, rate, water quality, and purpose. If the DOE determines a significant risk to public health exists for a land application of water, the DOE may refer the permit application to the DOH for review and consultation. The agricultural processing plant owner obtaining a permit to apply agricultural industrial process water has the exclusive right to use and distribute the water generated.

The use and distribution of agricultural industrial process water is exempt from specified ground and surface water permit statutes relating to temporary use, transfers and changes in point of diversion, and permit amendments. Relinquishment provisions do not apply to a water right or portion of a right authorized for a purpose that is satisfied by the use of agricultural industrial process water.

Agricultural water use of agricultural industrial process water may not impair existing

water rights within the water source that is the source of supply for the agricultural processing plant and, if the water source is surface water, the existing rights are downstream from the agricultural processing plant's discharge points when this permit authority is created in statute.

Definitions are added to the reclaimed water statutes. "Agricultural industrial process water" is defined as water that has been used for agricultural processing and has been adequately and reliably treated to be suitable for other agricultural water uses. "Agricultural processing" is defined to include processing of crops or milk primarily for wholesale or retail sale for human or animal consumption and is specified to include potato, fruit, vegetable, and grain processing. "Agricultural water use" is defined as water use for irrigation and other uses related to production of agricultural products and includes the construction, operation, and maintenance of agricultural facilities and livestock operations at farms, ranches, dairies, and nurseries. Examples of agricultural water use are specified to include dust, temperature, and fire control.

Legislative findings are made that the agricultural processing industry can play a critical and beneficial role in promoting efficient water use through developing and reusing agricultural industrial process water.

Appropriation: None.

Fiscal Note: Fiscal note on original version of bill available. Fiscal note on substitute requested on March 23, 2001.

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

Testimony For: This bill helps processors get the water they need and promotes improvement of the farmer-processor relationship. This bill ensures that use of this water will not impair existing water rights.

Testimony Against: (Concerns) The impairment provisions in Section 4 of the bill create some concerns regarding impacts to existing water rights and instream flows.

Testified: (In support) Rick Wickman, Washington Food Processors Council; Eric Johnson, Washington Public Ports Association; Steve Gano, Miller Brewing; and Josh Baldi, Washington Environmental Council.

(Concerns) Ken Slattery, Department of Ecology.