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**SUBSTITUTE HOUSE BILL 2430**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Stanford, Lytton, Tarleton, and Fitzgibbon)

READ FIRST TIME 01/29/16.

1 AN ACT Relating to preserving water resources for an array of  
2 water supply needs, including irrigated agriculture, fish and  
3 wildlife habitat, and municipal use, by updating water conservation  
4 standards for appliances; amending RCW 90.54.180 and 19.27.170; and  
5 creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) Water is a finite resource, yet clean and plentiful water is  
9 essential to both healthy communities and ecosystems. Making better  
10 use of our existing water supplies will help ensure that more water  
11 remains available for agriculture, instream flows and fish, homes and  
12 businesses, and for other socially productive purposes;

13 (2) Plumbing fixtures, including faucets, showerheads, toilets,  
14 and urinals, are a major year-round source of water use;

15 (3) Water-efficient plumbing fixtures perform as well or better  
16 than standard models and save money on water and sewer bills for the  
17 state's families, businesses, schools, and local governments;

18 (4) Besides saving water and reducing a customer's costs, water  
19 efficiency offers other benefits:

20 (a) Substantial energy savings from more efficient faucets and  
21 showerheads;

1 (b) Less wastewater that requires collection, treatment, and  
2 disposal; and

3 (c) Less pollution from treated wastewater in our streams and  
4 waterways;

5 (5) Current Washington codes adopt nationally recognized  
6 performance and water efficiency standards by which plumbing fixtures  
7 and fitting efficiencies are measured. While Washington has not  
8 updated its water conservation standards since 1993, the current  
9 state building and plumbing codes do include standards that apply to  
10 defined types of plumbing fixtures "high efficiency toilet," "dual  
11 flush toilet," and "single flush toilet"; and

12 (6) The state building code council adopts and maintains the  
13 state building code and accordingly requires standards in terms of  
14 performance and nationally accepted standards. The state building  
15 code council regularly reviews updated versions of the model codes  
16 that comprise the state building code, and adopts and amends the  
17 state building code in a manner that is consistent with the state's  
18 interests as prescribed by law.

19 **Sec. 2.** RCW 90.54.180 and 2007 c 445 s 9 are each amended to  
20 read as follows:

21 Consistent with the fundamentals of water resource policy set  
22 forth in this chapter, state and local governments, individuals,  
23 corporations, groups and other entities shall be encouraged to carry  
24 out water use efficiency and conservation programs and practices  
25 consistent with the following:

26 (1) Water efficiency and conservation programs should utilize an  
27 appropriate mix of economic incentives, cost share programs,  
28 regulatory programs, and technical and public information efforts.  
29 Programs which encourage voluntary participation are preferred.  
30 Programs should also consider the water efficiency standards  
31 established in RCW 19.27.170 and should prioritize gaps that are not  
32 covered by state efficiency standards or rules and that possess  
33 substantial potential for water conservation achievements.

34 (2) Increased water use efficiency and reclaimed water should  
35 receive consideration as a potential source of water in state and  
36 local water resource planning processes. In determining the cost-  
37 effectiveness of alternative water sources, consideration should be  
38 given to the benefits of conservation, waste water recycling, and  
39 impoundment of waters. Where reclaimed water is a feasible

1 replacement source of water, it shall be used by state agencies and  
2 state facilities for nonpotable water uses in lieu of the use of  
3 potable water. For purposes of this requirement, feasible replacement  
4 source means (a) the reclaimed water is of adequate quality and  
5 quantity for the proposed use; (b) the proposed use is approved by  
6 the departments of ecology and health; (c) the reclaimed water can be  
7 reliably supplied by a local public agency or public water system;  
8 and (d) the cost of the reclaimed water is reasonable relative to the  
9 costs of conservation or other potentially available supplies of  
10 potable water, after taking into account all costs and benefits,  
11 including environmental costs and benefits.

12 (3) In determining the cost-effectiveness of alternative water  
13 sources, full consideration should be given to the benefits of  
14 storage which can reduce the damage to stream banks and property,  
15 increase the utilization of land, provide water for municipal,  
16 industrial, agricultural, and other beneficial uses, provide for the  
17 generation of electric power from renewable resources, and improve  
18 streamflow regimes for fishery and other instream uses.

19 (4) Entities receiving state financial assistance for  
20 construction of water source expansion or acquisition of new sources  
21 shall develop, and implement if cost-effective, a water use  
22 efficiency and conservation element of a water supply plan pursuant  
23 to RCW 43.20.230(1).

24 (5) State programs to improve water use efficiency should focus  
25 on those areas of the state in which water is overappropriated; areas  
26 that experience diminished streamflows or aquifer levels; regional  
27 areas that the governor has identified as high priority for  
28 investments in improved water quality and quantity, including the  
29 Spokane river, the Columbia river basin, and the Puget Sound; areas  
30 most likely to be affected by global warming; and areas where  
31 projected water needs, including those for instream flows, exceed  
32 available supplies.

33 (6) Existing and future generations of citizens of the state of  
34 Washington should be made aware of the importance of the state's  
35 water resources and the need for wise and efficient use and  
36 development of this vital resource. In order to increase this  
37 awareness, state agencies should integrate public information  
38 programs on increasing water use efficiency into existing public  
39 information efforts. This effort shall be coordinated with other  
40 levels of government, including local governments and Indian tribes.

1       **Sec. 3.** RCW 19.27.170 and 1991 c 347 s 16 are each amended to  
2 read as follows:

3       (1) The state building code council shall adopt rules under  
4 chapter 34.05 RCW, not later than during the 2018 code adoption  
5 period and to become effective by no later than July 1, 2019, that  
6 implement and incorporate the water conservation performance  
7 standards in this subsection and subsections (4) and (5) of this  
8 section. These standards shall apply to all new construction and all  
9 remodeling involving replacement of plumbing fixtures in all  
10 residential, hotel, motel, school, industrial, commercial use, or  
11 other occupancies determined by the council to use significant  
12 quantities of water.

13       (2) ~~((The legislature recognizes that a phasing-in approach to~~  
14 ~~these new standards is appropriate. Therefore, standards in~~  
15 ~~subsection (4) of this section shall take effect on July 1, 1990. The~~  
16 ~~standards in subsection (5) of this section shall take effect July 1,~~  
17 ~~1993.)) By July 1, 2018, all fixtures, fittings, and toilets, other  
18 than toilets used by children in day care facilities and toilets used  
19 in bariatric applications, sold, offered for sale, or distributed in  
20 the state shall meet the requirements of subsection (4) of this  
21 section.~~

22       (3)(a) No individual, public or private corporation, firm,  
23 political subdivision, government agency, or other legal entity may,  
24 for purposes of use in this state, distribute, sell, offer for sale,  
25 import, install, or approve for installation any plumbing fixtures  
26 unless the fixtures meet the standards as provided for in this  
27 section.

28       (b) If a retailer is able to show proof that a product prohibited  
29 for sale under this subsection was in stock and physically in the  
30 retail location before the effective date of this section, that  
31 retail location may sell that product until it is depleted, or until  
32 January 1, 2019.

33       (4)(a) Standards for water use efficiency effective by no later  
34 than July 1, ((1990)) 2019.

35       ~~((a))~~ (i) Standards for waterclosets. The ~~((guideline))~~  
36 requirement for maximum water use allowed in gallons per flush (gpf)  
37 for any of the following waterclosets is the following:  
38

Tank-type toilets .....	<del>((3.5))</del> 1.28 gpf.
Flushometer <del>((-valve))</del> <u>nontank</u> toilets ....	<del>((3.5))</del> <u>1.6</u> gpf.
<del>((Flushometer tank toilets ...</del>	3.5 gpf.
Electromechanical hydraulic toilets ...	3.5 gpf.))

8 ~~((b))~~ (ii) Standard for urinals. The ~~((guideline))~~ requirement  
9 for maximum water use allowed for any urinal is ~~((3.0))~~ 0.5 gallons  
10 per flush.

11 ~~((e))~~ (iii) Standard for showerheads. The guideline for maximum  
12 water use allowed for any showerhead is ~~((3.0))~~ 2.5 gallons per  
13 minute.

14 ~~((d))~~ (iv) Standard for faucets. The ~~((guideline))~~ requirement  
15 for maximum water use allowed in gallons per minute (gpm) for any of  
16 the following faucets and replacement aerators is the following:

<del>((Bathroom faucets ...</del>	3.0 gpm.))
Lavatory faucets .....	<del>((3.0))</del> <u>0.5</u> gpm.
Kitchen faucets .....	<del>((3.0))</del> <u>2.2</u> gpm.
Replacement aerators .....	<del>((3.0))</del> <u>2.2</u> gpm.

25 ~~((e))~~ (v) Except where designed and installed for use by ~~((the~~  
26 physically handicapped)) individuals with disabilities, lavatory  
27 faucets located in restrooms intended for use by the general public  
28 must be equipped with a metering valve designed to close by spring or  
29 water pressure when left unattended (self-closing). Metered faucets  
30 must deliver a maximum of 0.26 gallons per cycle.

31 ~~((f))~~ (vi) No urinal or watercloset that operates on a  
32 continuous flow or continuous flush basis shall be permitted.

33 (b) The water efficiency standards adopted pursuant to this  
34 subsection (4) do not apply to alternative technologies that do not  
35 rely on water flushing in order to function, including incineration  
36 toilets or composting toilets.

(5) Standards for water use efficiency effective July 1, (~~1993~~) 2022.

~~((a))~~ Standards for waterclosets. The ~~((guideline))~~ requirement for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

<del>((Tank-type toilets . . .</del>	1.6 gpf.)
Flushometer( <del>(-tank))</del> toilets . . . . .	<del>((1.6))</del> 1.28 gpf.
<del>((Electromechanical hydraulic toilets . . .</del>	1.6 gpf.

~~(b) Standards for urinals. The guideline for maximum water use allowed for any urinal is 1.0 gallons per flush.~~

~~(c) Standards for showerheads. The guideline for maximum water use allowed for any showerhead is 2.5 gallons per minute.~~

~~(d) Standards for faucets. The guideline for maximum water use allowed in gallons per minute for any of the following faucets and replacement aerators is the following:~~

Bathroom faucets . . .	2.5 gpm.
Lavatory faucets . . .	2.5 gpm.
Kitchen faucets . . .	2.5 gpm.
Replacement aerators . . .	2.5 gpm.

~~(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by water pressure when unattended (self-closing).~~

~~(f) No urinal or watercloset that operates on a continuous flow or continuous basis shall be permitted.)~~

(6) The building code council shall ~~((establish methods and procedures for testing and identifying fixtures that meet the standards established in subsection (5) of this section. The council shall use the testing standards designated as American national standards, written under American national standards institute procedures or other widely recognized national testing standards. The council shall either review test results from independent testing laboratories that are submitted by manufacturers of plumbing fixtures or accept data submitted to and evaluated by the international association of plumbing and mechanical officials. The council shall~~

1 ~~publish and widely distribute a current list of fixtures that meet~~  
2 ~~the standards established in subsection (5) of this section.~~

3 ~~(7) The building code council shall adopt rules for marking and~~  
4 ~~labeling fixtures meeting the standards established in subsection (5)~~  
5 ~~of this section.~~

6 ~~(8) This section shall not apply to fixtures installed before~~  
7 ~~July 28, 1991, that are removed and relocated to another room or area~~  
8 ~~of the same building after July 28, 1991, nor shall it apply to~~  
9 ~~fixtures, as determined by the council, that in order to perform a~~  
10 ~~specialized function, cannot meet the standards specified in this~~  
11 ~~section)) recognize conformity assessment bodies conforming to~~  
12 ~~ISO/IEC 17065 requirements for bodies certifying products, processes,~~  
13 ~~and services for the testing and listing of fixtures and fittings as~~  
14 ~~adopted in the state building code and the standards as established~~  
15 ~~in subsections (1), (4), and (5) of this section.~~

16 ~~((+9)) (7) The water conservation performance standards shall~~  
17 ~~supersede all local government codes. After ((July 1, 1990)) the rule~~  
18 ~~effective date established in subsection (1) of this section, cities,~~  
19 ~~towns, and counties shall not amend the code revisions and standards~~  
20 ~~established under subsection (4) or (5) of this section.~~

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