

SENATE BILL REPORT

SSB 5606

As Passed Senate, March 10, 1995

Title: An act relating to water conservation and the reclamation and direct beneficial use of wastewater.

Brief Description: Providing for use of reclaimed water.

Sponsors: Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Haugen, Owen, McCaslin, Swecker, Newhouse, Oke, Rasmussen, Winsley, Morton and Schow).

Brief History:

Committee Activity: Ecology & Parks: 2/8/95, 2/22/95 [DPS].
Passed Senate, 3/10/95, 46-0.

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 5606 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe and Spanel.

Staff: Gary Wilburn (786-7453)

Background: In 1992 the Legislature found that by encouraging the use of reclaimed water while assuring protection of health, safety and the environment, the state will continue to use water in the best interests of present and future generations. The Legislature encouraged cooperative efforts of the public and private sectors and the use of pilot projects to this end, and directed the Departments of Ecology and Health to develop coordinated procedures for approving uses of reclaimed water.

The agencies were required to adopt a single set of standards, procedures and guidelines by August 1993 for industrial and commercial use of reclaimed water. The Department of Health issues permits to the generator of the reclaimed water, who may distribute the water subject to provisions in the permit governing location, rate, water quality, and purpose of use. The permit may only be issued to a governmental entity or the holder of a water quality discharge permit.

The Department of Ecology was directed to adopt standards for land application of reclaimed water, and issue permits to generators of the water. The permits may be issued to governmental entities and waste discharge permit holders, who may distribute the water subject to permit conditions.

State water quality laws require the Department of Ecology to adopt water quality standards set to protect public health and environmental quality, including fish and other biota. The laws also establish a "nondegradation" standard, requiring discharges to state waters not

degrade water quality levels that may exceed water quality standards. The laws also adopt a "technology-based" standard, requiring that, regardless of the quality of the receiving water, all discharges to state waters be subject to all known, available and reasonable methods of water pollution control.

Rules adopted in 1960 require that existing treatment plant effluents eventually be diverted from discharge to Lake Washington and Lake Sammamish to a point or points on Puget Sound. Effluent from all future expansion of treatment plants were also to be so diverted.

Summary of Bill: The findings statements of the 1992 legislation are expanded to further discuss the uses of reclaimed water, including uses made in other states. The Legislature declares that reclaimed water use is not inconsistent with the state's antidegradation policy regarding state water quality. The Departments of Ecology and Health are to take the necessary steps to encourage the development of water reclamation facilities. Reclaimed water facilities are declared eligible for financial assistance from the Centennial Clean Water Fund.

Reclaimed water may be used for surface spreading, provided it meets ground water recharge criteria, has been incorporated into local water or sewer plans, and has been approved by the Department of Ecology. Discharge limits for specific contaminants are to be established if the criteria do not contain a standard for such contaminants.

Reclaimed water may be used for discharge to created wetlands provided it meets class A reclaimed water standards and other requirements. Reclaimed water not meeting class A standards may be approved by Ecology for discharge to created wetlands on a pilot basis to test use of such wetlands for advanced treatment. Reclaimed water may be used for streamflow augmentation where federal and state water pollution control laws are met, the use is incorporated into local sewer or water plans, and is approved by Ecology.

Standards for direct recharge using reclaimed water and for discharge to wetlands must be adopted by Ecology in consultation with the Department of Health. The agencies must review potential conflicts between reclaimed water projects and existing rules relating to the Lake Washington basin and propose amendments if required. Deadlines are set for adoption of the standards and proposed rule amendments. The water reuse advisory committee must include water utilities.

Definitions of terms are provided.

Appropriation: None.

Fiscal Note: Requested on February 22, 1995.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Existing interim standards for water reuse projects are not adequate to address the many new types of projects being proposed, and additional direction is needed to achieve expeditious agency review and approval of these projects.

Testimony Against: None.

Testified: PRO: Guillemette Regan, Commissioner, Shoreline Water District; Joe Daniels, Jamie Morin, WA State Water/Wastewater Assn.; Krista Eichler, Seattle Chamber of Commerce; Dave Parkinson, CH2M Hill; Dave Clark, DOH; Jerry Harper, Pt. Blakely Communities; John Kirner, Tacoma Water; Maureen Morris, Assn. of Washington Cities; Don Chance, AWB; Carol Fleskes, DOE; Jim Blundell, City of Yelm.

House Amendment(s): Reclaimed water: The provisions of the Senate substitute bill regarding reclaimed water are modified as follows: (1) the term "salvaged water" is added to Chapter 90.46 RCW, and includes reclaimed water and water made surplus through water use efficiency; (2) legislative findings regarding "reclaimed" water are changed to "salvaged" water; (3) the definition of wetlands for purposes of Chapter 90.46 RCW is modified to prohibit an agency from using a delineation process more stringent than that adopted by the U.S. Army Corps of Engineers; (4) surface "spreading" is changed to surface "percolation", and Ecology may authorize reclaimed water uses for surface percolation where the water does not meet ground water recharge criteria; (5) reclaimed water not meeting class A and B standards may be discharged to created wetlands where Ecology specifically approves the use, whereas the Senate substitute bill allowed such specific authorization only where the water did not meet class A standards; (6) the departments of Ecology and Health are to report on the act's implementation to the appropriate legislative committees; (7) the Department of Health advisory committee authorized in existing law shall be formed before July 1, 1995 and review specified subjects relating to reclaimed water uses and their regulation under various water quality and water resource laws.

Transfer of surplus waters. The House amendments include substantially all of the provisions of Engrossed Substitute House Bill 1775 relating to transfers or changes in use of surplus water:

New rules are established for water made surplus to a water right through the implementation of practices or technologies that are more efficient or more water use efficient than those under which the right was perfected and for water made surplus through a change in the crops grown with the water. If the water is not supplied by an irrigation district, the person who holds the water right may use the water on other lands owned by the person that are contiguous to the lands upon which use of the water was authorized before this change in use. The person who holds the water right is to notify the Department of Ecology of the change. The notification provides a change in the person's water right and the department is to revise its records for the right accordingly.

If the water is supplied by an irrigation district, an individual water user does not have a right to such water made surplus through a change in the crops grown. However, the water made surplus through such crop changes may be used for the benefit of the district generally. The use of the water made surplus through the efficiency or water use efficiency practices or technologies is regulated solely by the irrigation district and must be approved or authorized by the district. If the use of such surplus water results in the total irrigated acreage within the district exceeding the irrigated acreage recorded with the department for the district's water right, the board is to notify the department of the change. The notification provides a change in the district's water right and the department is to revise its records for the right accordingly. Whether the water is or is not supplied by an irrigation district, the priority date for the right to the use of the surplus water is the same as for the original water right.

When an irrigation district is requested to approve a transfer or change of surplus water regarding water provided by the district, the district must consider the effect of the transfer or change on the financial and operational integrity of the district. The requirements for applications for new water rights do not apply to transfers or changes in use of surplus water. Existing law restrictions upon acreage expansion within ground water management areas applies only to area or subarea programs in effect upon the effective date of the section.