

# SENATE BILL REPORT

## SB 6730

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As Reported By Senate Committee On:  
Water, Energy & Environment, February 2, 2006

**Title:** An act relating to reclaimed water.

**Brief Description:** Changing provisions relating to reclaimed water.

**Sponsors:** Senators Fraser, Swecker, Fairley, Prentice, Kline, Thibaudeau and Franklin.

**Brief History:**

**Committee Activity:** Water, Energy & Environment: 1/31/06, 2/2/06 [DPS-WM, DNP].

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### SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

**Majority Report:** That Substitute Senate Bill No. 6730 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Pridemore and Regala.

**Minority Report:** Do not pass.

Signed by Senators Morton, Ranking Minority Member; Honeyford and Mulliken.

**Staff:** Margaret King (786-7416)

**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 otherwise would not occur. Reclaimed water may be used for a variety of nonpotable water purposes, including irrigation, agricultural uses, industrial and commercial uses, streamflow augmentation, dust control, fire suppression, surface percolation, and discharge into constructed wetlands.

The Department of Health issues permits to water generators for commercial or industrial uses of reclaimed water. The Department of Ecology issues reclaimed water permits for land applications of reclaimed water.

The Department of Health and the Department of Ecology were required to adopt a single set of standards, procedures, and guidelines for industrial and commercial uses and land applications of reclaimed water. These standards were adopted in the mid-1990s, and resulted from consultation with an advisory committee of interested stakeholders.

**Summary of Substitute Bill:** By no later than the end of 2009, the Department of Ecology is required to adopt rules for reclaimed water use. The rules must address all aspects of reclaimed water use, including industrial uses, surface percolation, and stream flow augmentation. These rules must be adopted in coordination with the Department of Health, and in consultation with an advisory committee made up of interested stakeholders as determined by the Department of Ecology.

The Department of Health, in coordination with the Department of Ecology, is required to adopt rules specific to greywater.

Definitions regarding created wetlands and land application of reclaimed water are amended.

An advisory committee is to be established to make recommendations to the Legislature by December 1, 2007, on certain issues surrounding the use of reclaimed water.

**Substitute Bill Compared to Original Bill:** The substitute bill drops all amendments to definitions with the exception of two definitions relating to constructed wetlands and an amendment to the definition of " land application."

The bill provides that the Department of Health is the primary rule maker for greywater applications.

The bill changes the make up of the advisory committee and changes the focus of the advisory committee.

The bill changes the deadline for adoption of rules from 2008 to 2009.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** Yes.

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

**Testimony For:** The most important part of the bill is the rule development provisions. Some of the definition changes may be better addressed in the rule making process. A number of policy issues have arisen during the process of building treatment facilities and an interagency reclaimed water policies task force has identified at least four main areas that should be addressed: outdated state standards; use of reclaimed water for mitigation; funding and incentives for building required infrastructure; and the need for guidelines for underground storage and retrieval. There needs to be changes to definitions regarding types of wetlands. There is a need to have the 1997 standards updated. Both Department of Ecology and Department of Health should be involved in regulating reclaimed water.

**Testimony Against:** None.

**Testimony Other:** There are some concerns regarding current compilation and charge of the advisory committee. The department needs to make sure that the reclaimed water is of sufficient quality for use for mitigation and recharge. There are concerns with changes to other definitions in the bill such as "direct use," "water supply," and "streamflow augmentation."

**Who Testified:** PRO: Ed Thorpe, Director Coalition for Clean Water; Karla Fowler, LOTT Alliance (Cities of Lacey, Olympia, Tumwater and Thurston County); Clint Perry, Evergreen Valley Utilities; Dave Williams, AWC; Doug Levy, City of Kent; Rose Feliciano, City of Seattle; Scott Hazlegrove, WA Association of Sewer and Water Districts.

OTHER: Steve Wehrly, Muckleshoot Tribe; Kathleen Collins, WA Water Policy Alliance; Maryanne Guichard, ODH; Melodie Selby, DOE.