

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5725**

Chapter 444, Laws of 1997

55th Legislature  
1997 Regular Session

RECLAIMED WATER--REGULATIONS

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 23, 1997  
YEAS 41 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 11, 1997  
YEAS 96 NAYS 0

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved May 20, 1997

GARY LOCKE

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**Governor of the State of Washington**

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5725** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

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**Secretary**

FILED

May 20, 1997 - 4:27 p.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5725**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

**State of Washington                      55th Legislature                      1997 Regular Session**

**By** Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker and McDonald)

Read first time 02/28/97.

1            AN ACT Relating to reclaimed water; amending RCW 90.46.010,  
2 90.46.080, and 90.46.090; adding new sections to chapter 90.46 RCW;  
3 adding a new section to chapter 90.03 RCW; adding a new section to  
4 chapter 90.44 RCW; adding a new section to chapter 90.48 RCW; and  
5 creating a new section.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 90.46 RCW  
8 to read as follows:

9            The owner of a wastewater treatment facility that is reclaiming  
10 water with a permit issued under this chapter has the exclusive right  
11 to any reclaimed water generated by the wastewater treatment facility.  
12 Use and distribution of the reclaimed water by the owner of the  
13 wastewater treatment facility is exempt from the permit requirements of  
14 RCW 90.03.250 and 90.44.060. Revenues derived from the reclaimed water  
15 facility shall be used only to offset the cost of operation of the  
16 wastewater utility fund or other applicable source of system-wide  
17 funding.

18            If the proposed use or uses of reclaimed water are intended to  
19 augment or replace potable water supplies or create the potential for

1 the development of additional potable water supplies, such use or uses  
2 shall be considered in the development of the regional water supply  
3 plan or plans addressing potable water supply service by multiple water  
4 purveyors. The owner of a wastewater treatment facility that proposes  
5 to reclaim water shall be included as a participant in the development  
6 of such regional water supply plan or plans.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW  
8 to read as follows:

9 The permit requirements of RCW 90.03.250 do not apply to the use of  
10 reclaimed water by the owner of a wastewater treatment facility under  
11 the provisions of section 1 of this act.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.44 RCW  
13 to read as follows:

14 The permit requirements of RCW 90.44.060 do not apply to the use of  
15 reclaimed water by the owner of a wastewater treatment facility under  
16 the provisions of section 1 of this act.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.46 RCW  
18 to read as follows:

19 Facilities that reclaim water under this chapter shall not impair  
20 any existing water right downstream from any freshwater discharge  
21 points of such facilities unless compensation or mitigation for such  
22 impairment is agreed to by the holder of the affected water right.

23 **Sec. 5.** RCW 90.46.010 and 1995 c 342 s 2 are each amended to read  
24 as follows:

25 Unless the context clearly requires otherwise, the definitions in  
26 this section apply throughout this chapter.

27 (1) "Greywater" means wastewater having the consistency and  
28 strength of residential domestic type wastewater. Greywater includes  
29 wastewater from sinks, showers, and laundry fixtures, but does not  
30 include toilet or urinal waters.

31 (2) "Land application" means application of treated effluent for  
32 purposes of irrigation or landscape enhancement for residential,  
33 business, and governmental purposes.

34 (3) "Person" means any state, individual, public or private  
35 corporation, political subdivision, governmental subdivision,

1 governmental agency, municipality, copartnership, association, firm,  
2 trust estate, or any other legal entity whatever.

3 (4) "Reclaimed water" means effluent derived in any part from  
4 sewage from a wastewater treatment system that has been adequately and  
5 reliably treated, so that as a result of that treatment, it is suitable  
6 for a (~~direct~~) beneficial use or a controlled use that would not  
7 otherwise occur and is no longer considered wastewater.

8 (5) "Sewage" means water-carried human wastes(~~(, including kitchen,~~  
9 ~~bath, and laundry waste)~~) from residences, buildings, industrial and  
10 commercial establishments, or other places, together with such ground  
11 water infiltration, surface waters, or industrial wastewater as may be  
12 present.

13 (6) "User" means any person who uses reclaimed water.

14 (7) "Wastewater" means water and wastes discharged from homes,  
15 businesses, and industry to the sewer system.

16 (8) "~~(Direct)~~ Beneficial use" means the use of reclaimed water,  
17 that has been transported from the point of production to the point of  
18 use without an intervening discharge to the waters of the state, for a  
19 beneficial purpose.

20 (9) "Direct recharge" means the controlled subsurface addition of  
21 water directly to the ground water basin that results in the  
22 replenishment of ground water.

23 (10) "Ground water recharge criteria" means the contaminant  
24 criteria found in the drinking water quality standards adopted by the  
25 state board of health pursuant to chapter 43.20 RCW and the department  
26 of health pursuant to chapter 70.119A RCW.

27 (11) "Planned ground water recharge project" means any reclaimed  
28 water project designed for the purpose of recharging ground water, via  
29 direct recharge or surface (~~spreading~~) percolation.

30 (12) "Reclamation criteria" means the criteria set forth in the  
31 water reclamation and reuse interim standards and subsequent revisions  
32 adopted by the department of ecology and the department of health.

33 (13) "Streamflow augmentation" means the discharge of reclaimed  
34 water to rivers and streams of the state or other surface water bodies,  
35 but not wetlands.

36 (14) "Surface (~~spreading~~) percolation" means the controlled  
37 application of water to the ground surface for the purpose of  
38 replenishing ground water.

1 (15) "Wetland or wetlands" means areas that are inundated or  
2 saturated by surface water or ground water at a frequency and duration  
3 sufficient to support, and that under normal circumstances do support,  
4 a prevalence of vegetation typically adapted to life in saturated soil  
5 conditions. Wetlands generally include swamps, marshes, bogs, and  
6 similar areas. Wetlands regulated under this chapter shall be  
7 delineated in accordance with the manual adopted by the department of  
8 ecology pursuant to RCW 90.58.380.

9 (16) (~~"Created wetlands" means a wetland intentionally created~~  
10 ~~from a nonwetland site to produce or replace natural habitat.~~)  
11 "Constructed beneficial use wetlands" means those wetlands  
12 intentionally constructed on nonwetland sites to produce or replace  
13 natural wetland functions and values. Constructed beneficial use  
14 wetlands are considered "waters of the state."

15 (17) "Constructed treatment wetlands" means those wetlands  
16 intentionally constructed on nonwetland sites and managed for the  
17 primary purpose of wastewater or storm water treatment. Constructed  
18 treatment wetlands are considered part of the collection and treatment  
19 system and are not considered "waters of the state."

20 **Sec. 6.** RCW 90.46.080 and 1995 c 342 s 3 are each amended to read  
21 as follows:

22 (1) Reclaimed water may be beneficially used for surface  
23 (~~spreading~~) percolation provided the reclaimed water meets the  
24 ground water recharge criteria as measured in ground water beneath or  
25 down gradient of the recharge project site, and has been incorporated  
26 into a sewer or water comprehensive plan, as applicable, adopted by the  
27 applicable local government and approved by the department of health or  
28 department of ecology as applicable.

29 (2) If the state ground water recharge criteria as defined by RCW  
30 90.46.010 do not contain a standard for a constituent or contaminant,  
31 the department of ecology shall establish a discharge limit consistent  
32 with the goals of this chapter.

33 (3) Reclaimed water that does not meet the ground water recharge  
34 criteria may be beneficially used for surface percolation where the  
35 department of ecology, in consultation with the department of health,  
36 has specifically authorized such use at such lower standard.

1       **Sec. 7.** RCW 90.46.090 and 1995 c 342 s 4 are each amended to read  
2 as follows:

3       (1) Reclaimed water may be beneficially used for discharge into  
4 ~~((created))~~ constructed beneficial use wetlands and constructed  
5 treatment wetlands provided the reclaimed water meets the class A or B  
6 reclaimed water standards as defined in the reclamation criteria, and  
7 the discharge is incorporated into a sewer or water comprehensive plan,  
8 as applicable, adopted by the applicable local government and approved  
9 by the department of health or department of ecology as applicable.

10       (2) Reclaimed water that does not meet the class A or B reclaimed  
11 water standards may be beneficially used for discharge into ~~((created))~~  
12 constructed treatment wetlands where the department of ecology, in  
13 consultation with the department of health, has specifically authorized  
14 such use at such lower standards ~~((in conjunction with a pilot project~~  
15 ~~designated pursuant to this chapter, the purpose of which is to test~~  
16 ~~and implement the use of created wetlands for advanced treatment))~~.

17       (3) The department of ecology and the department of health must  
18 develop appropriate standards for discharging reclaimed water into  
19 constructed beneficial use wetlands and constructed treatment wetlands.  
20 These standards must be considered as part of the approval process  
21 under subsections (1) and (2) of this section.

22       NEW SECTION. **Sec. 8.** A new section is added to chapter 90.46 RCW  
23 to read as follows:

24       (1) The department of health shall develop standards, procedures,  
25 and guidelines for the reuse of greywater, consistent with RCW  
26 43.20.230(2), by January 1, 1998.

27       (2) Standards, procedures, and guidelines developed by the  
28 department of health for reuse of greywater shall encourage the  
29 application of this technology for conserving water resources, or  
30 reducing the wastewater load, on domestic wastewater facilities,  
31 individual on-site sewage treatment and disposal systems, or community  
32 on-site sewage treatment and disposal systems.

33       (3) The department of health and local health officers may permit  
34 the reuse of greywater according to rules adopted by the department of  
35 health.

36       NEW SECTION. **Sec. 9.** A new section is added to chapter 90.48 RCW  
37 to read as follows:

1       The evaluation of any plans submitted under RCW 90.48.110 must  
2 include consideration of opportunities for the use of reclaimed water  
3 as defined in RCW 90.46.010.

4       NEW SECTION.     **Sec. 10.**     The department of ecology and the  
5 department of health shall report on the progress of the implementation  
6 of chapter 342, Laws of 1995, as amended by chapter . . . , Laws of 1997  
7 (this act) to the members of the agriculture and ecology committee of  
8 the house of representatives and the members of the agriculture and  
9 environment committee of the senate by December 15, 1997.

10       NEW SECTION.     **Sec. 11.**     If any provision of this act or its  
11 application to any person or circumstance is held invalid, the  
12 remainder of the act or the application of the provision to other  
13 persons or circumstances is not affected.

      Passed the Senate April 23, 1997.

      Passed the House April 11, 1997.

      Approved by the Governor May 20, 1997.

      Filed in Office of Secretary of State May 20, 1997.