
**Agriculture & Natural Resources
Committee**

HB 2743

Brief Description: Concerning the integration of reclaimed water, water system planning, and groundwater source protection.

Sponsors: Representatives Springer, Graves, Slatter, McBride, Goodman, Rodne, Appleton and Tharinger.

Brief Summary of Bill

- Requires a reclaimed water permit applicant or permittee to enter into certain written agreements with a Group A public water system before the applicant or permittee may use, store, or deliver reclaimed water within the service area of the Group A public water system.
- Requires the written agreements between the reclaimed water permit applicant or permittee and the Group A public water system to address, among other subjects, protection of groundwater quality and other water resource, an identification of the areas in which reclaimed water will be provided, and rates and charges for reclaimed water.
- Establishes a dispute resolution process in which a Group A public water system and a reclaimed water permit applicant or permittee may petition the Secretary of the Department of Health for a decision in the event the parties are not able to reach an agreement.

Hearing Date: 1/24/18

Staff: Robert Hatfield (786-7117).

Background:

Water Rights.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Washington operates under a water right permit system. With certain exceptions, new rights to use surface or ground water must be established according to the permit system. The Department of Ecology (Ecology) must consider a four-part test when deciding whether to issue a new water right, specifically whether: (1) water is available, (2) a beneficial use of water would be made, (3) granting the right would impair existing rights, and (4) the proposed use would detrimentally affect the public welfare. If an application passes this test, Ecology issues a permit which establishes a time table for constructing the infrastructure to access the water and for putting water to beneficial use. When the conditions of the permit are satisfied, Ecology issues a water right certificate.

Beneficial Use.

A beneficial use of water includes, but is not limited to, use for domestic water, irrigation, fish, shellfish, game and other aquatic life, municipal, recreation, industrial water, generation of electric power, and navigation.

Public Water Systems.

Public water systems have specific statutory classifications and regulatory requirements. A Group A public water system is a public water system with 15 or more service connections, regardless of the number of people, or a system serving an average of 25 or more people per day for 60 or more days within a calendar year, regardless of the number of service connections.

The Washington State Board of Health (Board of Health) is directed by statute to adopt administrative rules for Group A public water systems to assure safe and reliable public drinking water. Provisions governing the rules include requirements pertaining to specific topics, including the design and construction of public water system facilities, drinking water quality standards, and public water system planning and emergency response requirements.

Additionally, the Department of Health (DOH), in complying with requirements of the Board of Health, has adopted rules requiring the purveyors of certain community public water systems, including systems with 1,000 or more connections, to develop and submit water system plans for review and approval by the DOH. The water system plans must include specific elements, including system descriptions, basic planning data, demand forecasts, and source water protection provisions, for a prospective planning period of 20 or more years.

Reclaimed Water.

Reclaimed water is a water derived from a wastewater treatment system that has been treated in order to be suitable for a beneficial use or a controlled use that otherwise would not occur. Reclaimed water has been used for a variety of non-potable water purposes including irrigation, agricultural uses, industrial and commercial uses, stream flow augmentation, dust control, fire suppression, surface percolation, and discharge into constructed wetlands.

The DOH and Ecology have been working to develop a single set of draft rules for reclaimed water. Those rules have not yet been finalized.

Reclaimed Water - Permits.

A person proposing to generate reclaimed water for certain specified uses must obtain a permit from either the Ecology or the DOH, depending on the proposed use of the reclaimed water,

prior to distribution or use of that water. The permittee may then distribute and use the water, subject to the provisions in the permit. The permit must include provisions that protect human health and the environment.

Summary of Bill:

Before a reclaimed water permit applicant or permittee may provide or use reclaimed water at a location within the service area of any Group A public water system, the applicant or permittee must enter into a written agreement with the operator of the Group A public water system. The agreement must include reasonable terms to address, among other subjects:

- identification of areas within the Group A public water system service area in which reclaimed water may be provided;
- facilities to treat and deliver reclaimed water within the service area;
- protection of water resources;
- rates and charges for reclaimed water; and
- potential financial impacts to public water system ratepayers and bondholders.

Before reclaimed water may be stored, delivered, or used at a location in hydrologic connection to an aquifer or groundwater source covered by a critical aquifer recharge area, a wellhead protection area, or a sole source aquifer area, the permit applicant or permittee must enter into a written agreement with the affected Group A public water system that protects groundwater quality.

A Group A public water system may waive either or both of the agreements described above for a period of time not to exceed the duration of the reclaimed water permit.

An existing and permitted beneficial use of reclaimed water in operation before the effective date of the act is not required to obtain the written agreements described above until the expiration or renewal of the permit for the existing beneficial use. Any expansion or increase of an existing beneficial use of reclaimed water is required to obtain the written agreements described above.

If a permit applicant or permittee and a Group A public water system are unable to enter into either of the agreements described above, either of the parties may petition the Secretary of the Department of Health (DOH), or her designee, who will issue a decision. Before either party may submit such a petition, the parties must have first engaged in good faith efforts to negotiate a written agreement and to resolve the issues through mediation or other facilitated negotiations. Upon request of the DOH, the parties must reimburse the DOH's costs of responding to the petition and issuing a decision.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.