

# HOUSE BILL REPORT

## ESHB 1747

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**As Passed House:**  
March 13, 2019

**Title:** An act relating to risk-based water quality standards for on-site nonpotable water systems.

**Brief Description:** Concerning risk-based water quality standards for on-site nonpotable water systems.

**Sponsors:** House Committee on Local Government (originally sponsored by Representatives Doglio, Gregerson, Jinkins and Dolan).

**Brief History:**

**Committee Activity:**

Local Government: 2/12/19, 2/20/19 [DPS].

**Floor Activity:**

Passed House: 3/13/19, 60-36.

**Brief Summary of Engrossed Substitute Bill**

- Requires the Department of Health to adopt rules for risk-based water quality standards for the on-site treatment and reuse of nonpotable alternative water sources for nonpotable end uses.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Pollet, Chair; Peterson, Vice Chair; Appleton and Senn.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Kraft, Ranking Minority Member; Goehner.

**Staff:** Yvonne Walker (786-7841).

**Background:**

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*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.*

Greywater or gray water is the term used to describe water segregated from a domestic wastewater collection system and reused on-site. This water can come from a variety of sources such as bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen or utility sinks. It contains some soap and detergent, but is clean enough for nonpotable (nondrinking) uses. Greywater does not include flows from a toilet or urinal. The Department of Health (DOH) is responsible for developing standards, procedures, and guidelines, with input from technical experts, for the cost-effective reuse of greywater.

Nonpotable water is water that is not of drinking quality, but may still be used for many other purposes, depending on its quality. Nonpotable water is generally all raw water that is untreated such as from lakes, rivers, groundwater, natural springs, and ground wells. Nonpotable water sources also include rainwater, reclaimed/recycled water, and greywater. While nonpotable water is not appropriate for human consumption, it can be used in a myriad of other applications, such as doing laundry and toilet flushing.

Potable water is water of a quality suitable for drinking, cooking, and personal bathing.

### **Summary of Engrossed Substitute Bill:**

The DOH, in consultation with the Washington State Building Code Council (SBCC), must adopt rules by July 1, 2021 for:

- risk-based water quality standards for the on-site treatment and reuse of nonpotable alternative water sources for nonpotable end uses in multifamily residential, commercial, and mixed-use buildings, and in district-scale projects, including a mix of multifamily residential, commercial, and mixed-use buildings; and
- construction standards for adopting the risk-based framework water quality standards.

The rules must address:

- risk-based log reduction targets for the removal of pathogens for alternative water sources, including wastewater from all domestic fixtures, gray water, rainwater, and stormwater for nonpotable end uses such as toilet and urinal supply water, clothes washing, irrigation, and dust suppression;
- treatment and performance requirements;
- water quality monitoring requirements;
- reporting requirements for the treatment, performance, and water quality monitoring results;
- notification and public information requirements;
- cross-connection controls; and
- permitting.

Waste water from domestic fixtures may not be used for irrigation of land where food products are or could be produced.

The rules take effect December 31, 2021. However, if any on-site treated nonpotable water systems are in operation before January 1, 2021, then such systems must be in compliance with the rules by January 1, 2023.

If a permitting county, city, or town finds that a permittee is working to come into compliance with the rules, but due to extenuating circumstances related to the engineering, repair, or replacement of the system, then a further extension is warranted. The local jurisdiction may grant an extension to comply with the rules; however, the extension may not exceed January 1, 2025.

The DOH may consult or contract with other public or private entities, including but not limited to the SBCC and the Department of Ecology (DOE), for advice on state building code language, water rights, water quality, and other technical matters relating to adoption of the risk-based water quality standards.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) The Water Research Foundation assemble a group to study and create a framework for water end uses. The risk of using rainwater to flush toilets is very low to public health. However, using grey water from a shower on a vegetable garden creates a higher risk to the public. This means that the water has to be treated differently depending on where it came from and what it is being used for. The intent of the framework established by the Water Research Foundation was to have it be adopted, state by state, in order to establish a national public health framework for water reuse.

Washington needs stronger statewide standards for reclaimed water. Currently, there is confusion on what the rules are regarding water reuse in Washington as the DOH, the DOE, and the local building code departments all weigh in on water reuse and each uses different rules and terminology. There are many opportunities to use reclaimed water but there are also health risks associated with using reclaimed water. This bill just requires the DOH to set up standardized rules and regulations to protect the public health.

(Opposed) None.

**Persons Testifying:** Representative Doglio, prime sponsor; and Pat Lando, Recode.

**Persons Signed In To Testify But Not Testifying:** None.