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**SUBSTITUTE HOUSE BILL 1184**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Local Government (originally sponsored by Representatives Duerr, Ramel, Dolan, and Harris-Talley)

READ FIRST TIME 02/02/21.

1 AN ACT Relating to risk-based water quality standards for on-site  
2 nonpotable water systems; and adding a new section to chapter 90.46  
3 RCW.

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

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

7 (1)(a) By July 1, 2022, the department of health, in consultation  
8 with the Washington state building code council and the Washington  
9 state association of plumbers and pipefitters who participate in the  
10 development of the Uniform Plumbing Code under chapter 19.27 RCW,  
11 shall adopt rules for:

12 (i) Risk-based water quality standards for the on-site treatment  
13 and reuse of nonpotable alternative water sources for nonpotable end  
14 uses in multifamily residential, commercial, and mixed-use buildings,  
15 and district-scale projects, including a mix of multifamily  
16 residential, commercial, and mixed-use buildings; and

17 (ii) Construction standards to adopt the risk-based framework  
18 water quality standards.

19 (b) The department of health must ensure that rules adopted  
20 under this subsection take effect by December 31, 2022.

1 (2) At a minimum, the rules required under subsection (1) of this  
2 section must address the following:

3 (a) Risk-based log reduction targets for the removal of  
4 pathogens, such as enteric viruses, parasitic protozoa, and enteric  
5 bacteria for alternative water sources, including wastewater from all  
6 domestic fixtures, gray water, rainwater, and stormwater for  
7 nonpotable end uses such as toilet and urinal supply water, clothes  
8 washing, irrigation, and dust suppression;

9 (b) Treatment and performance requirements;

10 (c) Water quality monitoring requirements;

11 (d) Reporting requirements for the treatment, performance, and  
12 water quality monitoring results;

13 (e) Notification and public information requirements;

14 (f) Cross-connection controls;

15 (g) Permitting; and

16 (h) Any conflicts the rules adopted in this section have with the  
17 department of ecology's municipal stormwater general permit criteria  
18 and guidance manuals on stormwater for eastern and western  
19 Washington. The rules must provide property owners who capture or  
20 reuse water in conformance with the requirements set forth in these  
21 rules to be able to adjust the water amounts used in calculations  
22 related to stormwater runoff and stormwater detention that is  
23 required to be mitigated by existing construction project permitting  
24 requirements. Any calculations of the amount of water that a property  
25 owner or construction permit holder must make to address runoff from  
26 impervious services must reduce the amount of rainwater considered to  
27 be stormwater when it is captured to be used for alternative  
28 nonpotable end uses in buildings and projects.

29 (3)(a) An on-site treated nonpotable water system in operation  
30 before January 1, 2022, must comply with the rules established  
31 pursuant to subsection (1) of this section by January 1, 2024.

32 (b) If a permitting local jurisdiction finds that the permittee  
33 is unable to come into compliance with the rules adopted under  
34 subsection (1) of this section because the engineering, repair, or  
35 replacement of the system is cost prohibitive, the local jurisdiction  
36 may grant the permittee a waiver of compliance with the rules.

37 (4) The department of health may consult or contract with other  
38 public or private entities including, but not limited to, the state  
39 building code council and the department of ecology for advice on  
40 state building code language, water rights, water quality, and other

1 technical matters relating to adoption of the risk-based water  
2 quality standards pursuant to subsection (1) of this section.

3 (5) For the purposes of this section, "local jurisdiction"  
4 includes a county, city, or town.

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