

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1184

Chapter 156, Laws of 2021

67th Legislature
2021 Regular Session

ON-SITE NONPOTABLE WATER SYSTEMS—RISK-BASED WATER QUALITY STANDARDS

EFFECTIVE DATE: July 25, 2021

Passed by the House April 12, 2021
Yeas 94 Nays 4

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 3, 2021
Yeas 46 Nays 1

DENNY HECK

President of the Senate

Approved May 3, 2021 2:10 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1184** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 3, 2021

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1184

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

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 under
20 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;

16 (h) Any conflicts the rules adopted in this section have with the
17 department of ecology's municipal stormwater general permit and
18 guidance manuals on stormwater for eastern and western Washington.
19 Any calculations of the amount of water that a property owner or
20 permit holder must make to address runoff from impervious surfaces
21 must reduce the amount of rainwater considered to be stormwater when
22 it is captured to be used for alternative nonpotable end uses in
23 buildings and projects; and

24 (i) The need for a water right impairment review through the
25 department of ecology.

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

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

34 (4) The department of health may consult or contract with other
35 public or private entities including, but not limited to, the state
36 building code council and the department of ecology for advice on
37 state building code language, water rights, water quality, and other
38 technical matters relating to adoption of the risk-based water
39 quality standards pursuant to subsection (1) of this section.

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

Passed by the House April 12, 2021.

Passed by the Senate April 3, 2021.

Approved by the Governor May 3, 2021.

Filed in Office of Secretary of State May 3, 2021.

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