

# SENATE BILL REPORT

## SHB 1114

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As Reported By Senate Committee On:  
Agriculture & Environment, April 2, 1997

**Title:** An act relating to reclaimed water.

**Brief Description:** Revising regulations concerning reclaimed water.

**Sponsors:** House Committee on Agriculture & Ecology (originally sponsored by Representatives Mastin, Chandler, McMorris, Delvin, Mulliken, Johnson, Schoesler and Honeyford).

**Brief History:**

**Committee Activity:** Agriculture & Environment: 3/20/97, 4/2/97 [DPA-WM].

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### SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Morton, Chair; Swecker, Vice Chair; McAuliffe, Newhouse, Oke and Rasmussen.

**Staff:** Kari Guy (786-7437)

**Background:** The Legislature enacted SSB 5606 during the 1995 session to encourage the use of reclaimed water. Reclaimed water is an effluent derived from sewage from a wastewater treatment system that has been treated so that it is suitable for beneficial use.

A facility with a reclaimed water permit may distribute the water subject to provisions in the permit governing the location, rate, water quality, and use. The statute does not specify whether this use constitutes a new water right.

Reclaimed water was specifically authorized to be used for surface spreading if the reclaimed water meets the criteria for groundwater recharge and is incorporated into a sewer or water comprehensive plan. There is no authority for the Department of Ecology to authorize the use of reclaimed water that does not meet the groundwater recharge criteria for surface spreading.

The use of reclaimed water was also specifically authorized for discharge into created wetlands so long as the water meets class A reclaimed water standards and the discharge is incorporated into a sewer or water comprehensive plan. Reclaimed water that does not meet Class A reclaimed water standards may be discharged into created wetlands when specifically authorized by the Department of Ecology in conjunction with a pilot project to test the use of created wetlands for advanced treatment.

Water use efficiency legislation enacted in 1989 directed the Department of Health to develop criteria for the use of greywater, consistent with protection of public health and water

quality. Greywater is residential, domestic wastewater from sinks, showers, or laundry fixtures. The department has developed interim standards and is evaluating a municipal pilot program to test the effectiveness of the standards.

**Summary of Amended Bill:** Reclaimed water that does not meet the groundwater recharge criteria may be used for surface percolation when the Department of Ecology, in consultation with the Department of Health, has specifically authorized this use at a lower standard.

Created wetlands are divided into two classes. Constructed beneficial use wetlands are wetlands constructed to replace natural wetland functions and values. Constructed treatment wetlands are wetlands constructed for the primary purpose of wastewater or storm water treatment. Both types of wetlands must be delineated according to the 1987 manual adopted by the Army Corps of Engineers.

Reclaimed water may be discharged into constructed beneficial use wetlands or constructed treatment wetlands if the water meets the Class A or B reclaimed water standards. Reclaimed water that does not meet the Class A or B reclaimed water standards may be discharged into constructed treatment wetlands when specifically authorized by the Department of Ecology in consultation with the Department of Health.

The Department of Ecology and Department of Health must develop and implement standards for discharging reclaimed water into constructed beneficial use wetlands and constructed treatment wetlands.

When plans are submitted to the Department of Ecology for the construction of new sewerage systems, sewage treatment or disposal systems, or improvements to those systems, they must include consideration of opportunities for using reclaimed water.

The Department of Health and the Department of Ecology must report on the progress of implementing the reclaimed water laws to the House Agriculture and Ecology Committee and the Senate Agriculture and Environment Committee by December 15, 1997.

The Department of Health must develop standards, procedures, and guidelines for the reuse of greywater by January 1, 1998. The Department of Health and local health officers may permit the use of greywater under rules adopted by the department.

The owner of a wastewater treatment facility that generates reclaimed water under a reclaimed water permit has the exclusive right to that water. A permit for a new water right is not required. The facility may not impair any existing water right unless mitigation is agreed to by the holder of the affected water right.

**Amended Bill Compared to Substitute Bill:** The amendment specifies that a facility that reclaims water with a reclaimed water permit has the exclusive right to that water.

**Appropriation:** None.

**Fiscal Note:** Requested on March 12, 1997.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This will encourage the use of reclaimed water and greywater. The state should support greater demand side management for water resources.

**Testimony Against:** None.

**Testified:** PRO: Lori Johnson, Sarah Mack, Arrowleaf Resort; Mike Grady, CTED; Mary Burke, WA Cattlemens Association (con).