

2SSB 6117 - S AMD TO S AMD (S-2823.1/07) **205**
By Senators Honeyford, Poulsen

ADOPTED 03/10/2007

1 Beginning on page 6, line 27 of the amendment, strike all of
2 section 4 and insert the following:

3 "Sec. 4. RCW 90.46.130 and 2002 c 329 s 5 are each amended to read
4 as follows:

5 (1)(a) Except as provided in subsection (2) of this section,
6 facilities that reclaim water under this chapter shall not impair any
7 existing water right downstream from any freshwater discharge points of
8 such facilities unless there is compensation or mitigation for such
9 impairment (~~((is agreed to by the holder of the affected water right))~~).

10 (b) Any reclaimed water project that reduces the quantity of sewage
11 treatment plant effluent discharged directly into marine waters is
12 deemed to not impair any existing water rights.

13 (2) Agricultural water use of agricultural industrial process water
14 and use of industrial reuse water under this chapter shall not impair
15 existing water rights within the water source that is the source of
16 supply for the agricultural processing plant or the industrial
17 processing and, if the water source is surface water, the existing
18 water rights are downstream from the agricultural processing plant's
19 discharge points existing on July 22, 2001, or from the industrial
20 processing's discharge points existing on June 13, 2002.

21 (3) The department of ecology shall convene and staff a task force
22 to review potential barriers or issues related to development of
23 reclaimed water projects pursuant to the evaluation of water rights
24 impairment under this section and related impairment issues and shall
25 report the findings and any recommendations of this review to the
26 appropriate standing committees of the legislature no later than
27 December 31, 2007. The task force shall be cochaired by a
28 representative from the water quality and the water resources programs
29 at the department, and shall consist of representatives of interested
30 groups, including the attorney general, the department of health, local

1 governments, tribal governments, water utilities, reclaimed water
2 utilities, wastewater utilities, environmental organizations,
3 agricultural organizations, and businesses. The task force shall
4 report its findings to the appropriate legislative committees on or
5 before December 1, 2007. The task force and report shall address the
6 following topics at a minimum: (a) Internal processing of reclaimed
7 water permits by the department, including the ability to deliver
8 timely decisions on potential impairment of water rights; (b)
9 compliance with state and federal water quality standards on existing
10 and future discharges, including potential requirements on wastewater
11 utilities to reduce discharges to water and increase upland discharges;
12 (c) nature of water that is imported into a watershed or potentially
13 exported from the watershed in the form of effluent or reclaimed water;
14 (d) inequities or different treatment of processing of reclaimed water
15 permits and wastewater permits for similar treatment and facilities;
16 (e) ability of existing provisions of state law, such as chapter 90.48
17 RCW, to address possible impacts to, and mitigation for, stream flows
18 and fish habitat; (f) technical ability to determine impacts to water
19 sources from reclaimed water facilities; (g) approaches to these issues
20 in other western states with significant use of reclaimed water."

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