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SENATE BILL 6117

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State of Washington

60th Legislature

2007 Regular Session

By Senators Fraser, Poulsen, Rockefeller, Marr, Kohl-Welles and Kline

Read first time 02/23/2007. Referred to Committee on Water, Energy & Telecommunications.

1 AN ACT Relating to reclaimed water; amending RCW 90.46.005,  
2 90.46.120, 90.46.130, 90.82.043, 90.54.020, and 90.54.180; amending  
3 2006 c 279 s 3 (uncodified); adding a new section to chapter 58.17 RCW;  
4 adding a new section to chapter 35.21 RCW; adding a new section to  
5 chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding  
6 new sections to chapter 90.46 RCW; and creating new sections.

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

8 NEW SECTION. **Sec. 1.** (1) Since the 1992 enactment of the  
9 reclaimed water act, the value of reclaimed water as a new source of  
10 supply has received increasing recognition across the state and across  
11 the nation. New information on the topics in this section has  
12 increased awareness of the need to better manage, protect, and conserve  
13 water resources and to use reclaimed water in that process. The  
14 legislature now finds the following:

15 (a) Global warming and climate change. Global warming has reduced  
16 the volume of glaciers in the North Cascade mountains to between  
17 eighteen to thirty-two percent since 1983, and up to seventy-five  
18 percent of the glaciers are at risk of disappearing under projected  
19 temperatures for this century. Mountain snow pack has declined at

1 virtually every measurement location in the Pacific Northwest, reducing  
2 the proportion of annual river flow to Puget Sound during summer months  
3 by eighteen percent since 1948. Global warming has also shifted peak  
4 stream flows earlier in the year in watersheds covering much of  
5 Washington state, including the Columbia river basin, jeopardizing the  
6 state's salmon fisheries. The state's recent report on the economic  
7 impacts of climate change indicate that water resources will be one of  
8 the areas most affected, and that many utilities may need to invest  
9 major resources in new supply and conservation measures. Developing  
10 and implementing adaptation strategies, such as water conservation that  
11 includes the use of reclaimed water, can extend existing water supply  
12 systems to help address the global warming impacts. In particular,  
13 because reclaimed water uses existing sources of supply and fairly  
14 constant base flows of wastewater, it has year-round dependability,  
15 without regard to any given year's climate variability. This is  
16 particularly important during summer months, when outdoor demands peak  
17 and stream flows are critical for fish.

18 (b) Puget Sound. The governor has initiated a Puget Sound  
19 partnership, with a request for an initial strategy to address high  
20 priority problems. In December, the partnership delivered a strategy  
21 that includes expanded use of reclaimed water both in order to improve  
22 the Puget Sound's water quality by reducing wastewater discharges and  
23 by replacing current sources of supply for nonpotable uses that  
24 detrimentally affect stream flows and habitat.

25 (c) Salmon recovery. The federal fisheries services recently  
26 approved a salmon recovery plan for the Puget Sound, which was  
27 developed across multiple watersheds by numerous local governments,  
28 tribal governments, and other parties to achieve sustainable  
29 populations of salmon and other species. That plan includes an  
30 adaptive management component where continued efforts will be made to  
31 address issues, including problems with instream flows, identified as  
32 a limiting factor in virtually all the watersheds, through strategies  
33 that will be developed by regional and watershed implementation groups.  
34 A potentially significant strategy may be the substitution of reclaimed  
35 water for nonpotable uses where it will benefit streams and habitat.

36 (d) Water quality. Increasingly stringent federal standards for  
37 water quality are forcing a number of communities to develop strategies  
38 for wastewater treatment that, in addition to providing higher

1 treatment levels, will reduce the quantity of discharges. For many of  
2 those communities, facilities to produce reclaimed water will be a  
3 necessary approach to achieve both water quality and water supply  
4 objectives.

5 (e) Watershed plans. Under the watershed planning act of 1997,  
6 approximately two-thirds of the watersheds in the state have used a  
7 bottoms-up approach to developing collaborative plans for meeting  
8 future water supply needs. Many of those plans include the use of  
9 reclaimed water for meeting those needs.

10 (f) Columbia river water management. Pursuant to legislation and  
11 funding provided in 2006, federal, state, and local governments and  
12 agencies, along with tribal governments, user groups, environmental  
13 organizations, and others are developing a comprehensive strategy for  
14 the mainstem Columbia that will ensure supplies for future growth while  
15 protecting stream flows and fish habitat. The strategy will include  
16 multiple tools that may include the potential development of new  
17 storage, conservation measures, and water use efficiency. One pathway  
18 toward conservation and efficiency is likely to be identification and  
19 implementation of reclaimed water opportunities.

20 (g) Development schedule. The time frame required to plan, design,  
21 construct, and begin use of reclaimed water can be extensive due to the  
22 public information and acceptance efforts required in addition to  
23 planning, design, and environmental assessment required for  
24 infrastructure projects. This extended time frame necessitates the  
25 initiation of reclaimed water projects as soon as possible.

26 (2) It is therefore the intent of the legislature to:

27 (a) Effectuate and reinvigorate the original intent behind the  
28 reclaimed water act to expand the use of reclaimed water for nonpotable  
29 uses throughout the state;

30 (b) Restate and emphasize the use of reclaimed water as a matter of  
31 water resource management policy;

32 (c) Address current barriers to the use of reclaimed water, where  
33 changes in state law will resolve such issues;

34 (d) Develop information from the state agencies responsible for  
35 promoting the use of reclaimed water and address regulatory, financial,  
36 planning, and other barriers to the expanded use of reclaimed water,  
37 relying on state agency expertise and experience with reclaimed water;

1 (e) Facilitate achieving state, regional, and local objectives  
2 through use of reclaimed water for water supply purposes in high  
3 priority areas of the state, and in regional and local watershed and  
4 water planning;

5 (f) Provide planning tools to local governments to incorporate  
6 reclaimed water and related water conservation into land use plans,  
7 consistent with water planning;

8 (g) Expand the scope of work of the advisory committee established  
9 under chapter 279, Laws of 2006 to identify other reclaimed water  
10 issues that should be addressed; and

11 (h) Provide initial funding, and evaluate options for providing  
12 additional direct state funding, for reclaimed water projects.

13 **Sec. 2.** RCW 90.46.005 and 2001 c 69 s 1 are each amended to read  
14 as follows:

15 The legislature finds that by encouraging the use of reclaimed  
16 water while assuring the health and safety of all Washington citizens  
17 and the protection of its environment, the state of Washington will  
18 continue to use water in the best interests of present and future  
19 generations.

20 To facilitate the immediate use of reclaimed water (~~((as soon as is  
21 practicable, the legislature encourages the cooperative efforts of the  
22 public and private sectors and the use of pilot projects))~~) the state  
23 shall expand both direct financial support and financial incentives for  
24 capital investments in water reuse and reclaimed water to effectuate  
25 the goals of this chapter. The legislature further directs the  
26 department of health and the department of ecology to coordinate  
27 efforts towards developing an efficient and streamlined process for  
28 creating and implementing processes for the use of reclaimed water.

29 It is hereby declared that the people of the state of Washington  
30 have a primary interest in the development of facilities to provide  
31 reclaimed water to replace potable water in nonpotable applications, to  
32 supplement existing surface and ground water supplies and instream  
33 flows, and to assist in meeting the future water requirements of the  
34 state.

35 The legislature further finds and declares that the utilization of  
36 reclaimed water by local communities for domestic, agricultural,  
37 industrial, recreational, and fish and wildlife habitat creation and

1 enhancement purposes, including wetland enhancement, will contribute to  
2 the peace, health, safety, and welfare of the people of the state of  
3 Washington. To the extent reclaimed water is appropriate for  
4 beneficial uses, it should be so used to preserve potable water for  
5 drinking purposes and to mitigate impacts of withdrawals of water for  
6 drinking purposes, contribute to the restoration and protection of  
7 instream flows that are crucial to preservation of the state's salmonid  
8 fishery resources, contribute to the restoration of Puget Sound by  
9 reducing wastewater discharge, provide a drought resistant source of  
10 water supply for nonpotable needs, and be a source of supply integrated  
11 into state, regional, and local strategies to respond to population  
12 growth and global warming. Use of reclaimed water constitutes the  
13 development of new basic water supplies needed for future generations  
14 and local and regional water management planning should consider  
15 coordination of infrastructure, development, storage, water reclamation  
16 and reuse, and source exchange as strategies to meet water demands  
17 associated with population growth and impacts of global warming.

18 The legislature further finds and declares that the use of  
19 reclaimed water is not inconsistent with the policy of antidegradation  
20 of state waters announced in other state statutes, including the water  
21 pollution control act, chapter 90.48 RCW and the water resources act,  
22 chapter 90.54 RCW.

23 The legislature finds that other states, including California,  
24 Florida, and Arizona, have successfully used reclaimed water to  
25 supplement existing water supplies without threatening existing  
26 resources or public health.

27 It is the intent of the legislature that the department of ecology  
28 and the department of health undertake the necessary steps to encourage  
29 the development of water reclamation facilities so that reclaimed water  
30 may be made available to help meet the growing water requirements of  
31 the state.

32 The legislature further finds and declares that reclaimed water  
33 facilities are water pollution control facilities as defined in chapter  
34 70.146 RCW and are eligible for financial assistance as provided in  
35 chapter 70.146 RCW. The legislature finds that funding demonstration  
36 projects will ensure the future use of reclaimed water. The  
37 demonstration projects in RCW 90.46.110 are varied in nature and will  
38 provide the experience necessary to test different facets of the

1 standards and refine a variety of technologies so that water purveyors  
2 can begin to use reclaimed water technology in a more cost-effective  
3 manner. This is especially critical in smaller cities and communities  
4 where the feasibility for such projects is great, but there are scarce  
5 resources to develop the necessary facilities.

6 The legislature further finds that the agricultural processing  
7 industry can play a critical and beneficial role in promoting the  
8 efficient use of water by having the opportunity to develop and reuse  
9 agricultural industrial process water from food processing.

10 To effectuate the goals of this chapter, the legislature finds that  
11 if there is ambiguity within this chapter, or between this chapter and  
12 other provisions of law regarding the use of reclaimed water, such  
13 ambiguities should be resolved in favor of an interpretation that will  
14 lead to expanded use of reclaimed water.

15 **Sec. 3.** RCW 90.46.120 and 2003 1st sp.s. c 5 s 13 are each amended  
16 to read as follows:

17 (1) The owner of a wastewater treatment facility that is reclaiming  
18 water with a permit issued under this chapter has the exclusive right  
19 to any reclaimed water generated by the wastewater treatment facility.  
20 Use ~~((and))~~, distribution, and the recovery of ~~((the))~~ reclaimed water  
21 used to recharge aquifers by the owner of the wastewater treatment  
22 facility is exempt from the permit requirements of RCW 90.03.250 and  
23 90.44.060. Revenues derived from the reclaimed water facility shall be  
24 used only to offset the cost of operation of the wastewater utility  
25 fund or other applicable source of system-wide funding.

26 (2) If the proposed use or uses of reclaimed water are intended to  
27 augment or replace potable water supplies or create the potential for  
28 the development of additional potable water supplies, such use or uses  
29 shall be considered in the development of ~~((the))~~ any regional water  
30 supply plan or plans addressing potable water supply service by  
31 multiple water purveyors. Such water supply plans include plans  
32 developed by multiple jurisdictions under the relevant provisions of  
33 chapters 43.20, 70.116, 90.44, and 90.82 RCW, and the water supply  
34 provisions under the utility element of chapter 36.70A RCW. The owner  
35 of a wastewater treatment facility that proposes to reclaim water shall  
36 be included as a participant in the development of such regional water  
37 supply plan or plans.

1 (3) Where opportunities for the use of reclaimed water exist within  
2 the period of time addressed by a water system plan, a water supply  
3 plan, or a coordinated water system plan developed under chapters 43.20  
4 ((~~or~~)), 70.116, 90.44, and 90.82 RCW, and the water supply provisions  
5 under the utility element of chapter 36.70A RCW, these plans must be  
6 developed and coordinated to ensure that opportunities for reclaimed  
7 water are evaluated. The requirements of this subsection (3) do not  
8 apply to water system plans developed under chapter 43.20 RCW for  
9 utilities serving less than one thousand service connections.

10 **Sec. 4.** RCW 90.46.130 and 2002 c 329 s 5 are each amended to read  
11 as follows:

12 (1)(a) Except as provided in subsection (2) of this section,  
13 facilities that reclaim water under this chapter shall not impair any  
14 existing water right downstream from any freshwater discharge points of  
15 such facilities unless there is compensation or mitigation for such  
16 impairment (~~((is agreed to by the holder of the affected water right))~~).  
17 For purposes of this section, the legislature finds that there is no  
18 impairment in certain circumstances including, but not limited to, the  
19 following: (i) There is recovery and use of reclaimed water in lieu of  
20 discharge of wastewater, which leads to return flows to the water body  
21 in substantially the same manner or location as a wastewater discharge  
22 previously authorized by a national pollutant discharge elimination  
23 system wastewater discharge permit or state permit; (ii) there is  
24 recovery and use of reclaimed water in lieu of the discharge of  
25 wastewater into marine water; (iii) there is discharge of reclaimed  
26 water into marine water; or (iv) the reclaimed water facility or  
27 project is part of a new or expanded wastewater treatment facility that  
28 replaces one or more on-site septic facilities.

29 (b) Nothing in this section may be construed as affecting or  
30 diminishing (i) the right to use reclaimed water or (ii) the exemption  
31 from water right permit requirements provided to the owner of the  
32 wastewater treatment facility in RCW 90.46.120. Further, nothing in  
33 this section may be construed as affecting or diminishing the ability  
34 of the owner of a wastewater treatment facility to modify its  
35 facilities or discharges in order to comply with state or federal water  
36 quality standards or permit requirements under chapter 90.48 RCW.

1 (2) Agricultural water use of agricultural industrial process water  
2 and use of industrial reuse water under this chapter shall not impair  
3 existing water rights within the water source that is the source of  
4 supply for the agricultural processing plant or the industrial  
5 processing and, if the water source is surface water, the existing  
6 water rights are downstream from the agricultural processing plant's  
7 discharge points existing on July 22, 2001, or from the industrial  
8 processing's discharge points existing on June 13, 2002.

9 (3) For purposes of determining a claim of impairment under  
10 subsection (1)(a) of this section, of a downstream water right existing  
11 August 18, 2007, the applicant for a reclaimed water permit shall  
12 publish notice of an application for a permit for a reclaimed water  
13 facility in the same manner as provided for in RCW 90.48.170. If the  
14 department receives a claim of impairment, the department shall  
15 investigate the claim of impairment and issue a written decision within  
16 one hundred eighty days that shall be appealable by any party pursuant  
17 to RCW 43.21B.310. This section shall not be construed as exempting a  
18 reclaimed water project from the provisions of chapter 43.21C RCW.

19 (4) This section shall not be construed as establishing any new  
20 right for a downstream water right holder to the continued discharge  
21 from an upstream wastewater treatment plant or reclaimed water  
22 facility.

23 **Sec. 5.** 2006 c 279 s 3 (uncodified) is amended to read as follows:

24 (1) In order to identify and pursue other measures to facilitate  
25 achieving the objectives in RCW 90.46.005 for expanded, appropriate,  
26 and safe use of reclaimed water, the department of ecology and the  
27 department of health shall provide the legislature with relevant  
28 information through periodic progress reports, as provided in this  
29 section.

30 (2) The department of ecology (~~must present~~) shall provide  
31 interim reports to the appropriate committees of the legislature by  
32 January 1, 2008, (~~and~~) January 1, 2009, and January 1, 2010, that  
33 summarize the steps taken to that date towards the final rule making  
34 required by (~~section 1 of this act~~) RCW 90.46.015. The reports  
35 (~~must~~) shall include, at a minimum, a summary of participation in the  
36 advisory group (~~and~~), the topics considered by the department, and



1 issues identified by the advisory group as barriers to expanded use of  
2 reclaimed water that may not be addressed within the rules to be  
3 adopted by the department.

4 (3) Pursuant to subsection (2) of this section, the advisory group  
5 shall consider the following topics: (a) A review of the actions taken  
6 to date by the departments on reclaimed water permit requests or  
7 projects proposed to the departments, with an explanation from the  
8 departments of the requirements that have been placed on such  
9 applications or proposed projects; and (b) significant barriers to  
10 expanded use of reclaimed water, including: (i) Any confused,  
11 conflicting, or ambiguous authorities for each agency; (ii) the  
12 likelihood of increased advocacy and promotion of reclaimed water as a  
13 water supply and water resource management option if the reclaimed  
14 water program were housed within a departmental program focused on  
15 water supply and water resource planning objectives, instead of within  
16 the department of ecology's water quality program; (iii) inadequate  
17 staffing and resources within either or both state agencies, including  
18 a brief history of dedicated reclaimed water staffing levels at each  
19 agency; and (iv) any perceived unresolved legal issues related to  
20 reclaimed water use. Information regarding these topics shall be  
21 included in the required interim reports as the topics are considered  
22 by the advisory group.

23 **Sec. 6.** RCW 90.82.043 and 2003 1st sp.s. c 4 s 3 are each amended  
24 to read as follows:

25 (1) Within one year of accepting funding under RCW 90.82.040(2)(e),  
26 the planning unit must complete a detailed implementation plan.  
27 Submittal of a detailed implementation plan to the department is a  
28 condition of receiving grants for the second and all subsequent years  
29 of the phase four grant.

30 (2) Each implementation plan must contain strategies to provide  
31 sufficient water for: (a) Production agriculture; (b) commercial,  
32 industrial, and residential use; and (c) instream flows. Each  
33 implementation plan must contain timelines to achieve these strategies  
34 and interim milestones to measure progress.

35 (3) The implementation plan must clearly define coordination and  
36 oversight responsibilities; any needed interlocal agreements, rules, or

1 ordinances; any needed state or local administrative approvals and  
2 permits that must be secured; and specific funding mechanisms.

3 (4) In developing the implementation plan, the planning unit must  
4 consult with other entities planning in the watershed management area  
5 and identify and seek to eliminate any activities or policies that are  
6 duplicative or inconsistent.

7 (5)(a) By December 1, 2003, and by December 1st of each subsequent  
8 year, the director of the department shall report to the appropriate  
9 legislative standing committees regarding statutory changes necessary  
10 to enable state agency approval or permit decision making needed to  
11 implement a plan approved under this chapter.

12 (b) Beginning with the December 1, 2007, report, the director shall  
13 include in each report the extent to which reclaimed water has been  
14 identified in the watershed plans as potential sources or strategies to  
15 meet future water needs, and provisions in any watershed implementation  
16 plans that discuss barriers to implementation of the water reuse  
17 elements of those plans. The department's report shall include an  
18 estimate of the potential cost of reclaimed water facilities and  
19 identification of potential sources of funding for them.

20 NEW SECTION. Sec. 7. (1) By January 1, 2008, the department of  
21 health shall file a brief report with the appropriate committees of the  
22 legislature on the general status of:

23 (a) Development of permit fees for industrial and commercial uses  
24 of reclaimed water as required by RCW 90.46.030;

25 (b) Development of standards and guidelines for greywater use as  
26 required by RCW 90.46.140; and

27 (c) Permitting of greywater use by local health officers and  
28 plumbing officials in accordance with standards and guidelines  
29 developed pursuant to RCW 90.46.140.

30 (2) The report shall also identify:

31 (a) A general description of the number, type, and location of  
32 reclaimed water opportunities included in water supply and coordinated  
33 water system plans since 2003, as required by RCW 90.46.140;

34 (b) The best information currently available regarding potential  
35 public health risks associated with reclaimed water, if any, any known  
36 occurrences of any public health incidents associated with reclaimed

1 water use, the approaches to reclaimed water-related public health  
2 issues taken in other states, and resource needs of the department to  
3 evaluate any known public health risks; and

4 (c) A description of a basic public information and public  
5 acceptance program necessary to generate public support for the  
6 beneficial use of reclaimed water.

7 (3) In order to ensure brevity of the report, the department should  
8 include references to existing documents, reports, internet sites, and  
9 other sources of detailed information on the foregoing issues.

10 **Sec. 8.** RCW 90.54.020 and 1997 c 442 s 201 are each amended to  
11 read as follows:

12 Utilization and management of the waters of the state shall be  
13 guided by the following general declaration of fundamentals:

14 (1) Uses of water for domestic, stock watering, industrial,  
15 commercial, agricultural, irrigation, hydroelectric power production,  
16 mining, fish and wildlife maintenance and enhancement, recreational,  
17 and thermal power production purposes, and preservation of  
18 environmental and aesthetic values, and all other uses compatible with  
19 the enjoyment of the public waters of the state, are declared to be  
20 beneficial.

21 (2) Allocation of waters among potential uses and users shall be  
22 based generally on the securing of the maximum net benefits for the  
23 people of the state. Maximum net benefits shall constitute total  
24 benefits less costs including opportunities lost.

25 (3) The quality of the natural environment shall be protected and,  
26 where possible, enhanced as follows:

27 (a) Perennial rivers and streams of the state shall be retained  
28 with base flows necessary to provide for preservation of wildlife,  
29 fish, scenic, aesthetic and other environmental values, and  
30 navigational values. Lakes and ponds shall be retained substantially  
31 in their natural condition. Withdrawals of water which would conflict  
32 therewith shall be authorized only in those situations where it is  
33 clear that overriding considerations of the public interest will be  
34 served.

35 (b) Waters of the state shall be of high quality. Regardless of  
36 the quality of the waters of the state, all wastes and other materials  
37 and substances proposed for entry into said waters shall be provided

1 with all known, available, and reasonable methods of treatment prior to  
2 entry. Notwithstanding that standards of quality established for the  
3 waters of the state would not be violated, wastes and other materials  
4 and substances shall not be allowed to enter such waters which will  
5 reduce the existing quality thereof, except in those situations where  
6 it is clear that overriding considerations of the public interest will  
7 be served. Technology-based effluent limitations or standards for  
8 discharges for municipal water treatment plants located on the  
9 Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted  
10 to reflect credit for substances removed from the plant intake water  
11 if:

12 (i) The municipality demonstrates that the intake water is drawn  
13 from the same body of water into which the discharge is made; and

14 (ii) The municipality demonstrates that no violation of receiving  
15 water quality standards or appreciable environmental degradation will  
16 result.

17 (4) The development of multipurpose water storage facilities shall  
18 be a high priority for programs of water allocation, planning,  
19 management, and efficiency. The department, other state agencies,  
20 local governments, and planning units formed under section 107 or 108  
21 of this act shall evaluate the potential for the development of new  
22 storage projects and the benefits and effects of storage in reducing  
23 damage to stream banks and property, increasing the use of land,  
24 providing water for municipal, industrial, agricultural, power  
25 generation, and other beneficial uses, and improving stream flow  
26 regimes for fisheries and other instream uses.

27 (5) Adequate and safe supplies of water shall be preserved and  
28 protected in potable condition to satisfy human domestic needs.

29 (6) Multiple-purpose impoundment structures are to be preferred  
30 over single-purpose structures. Due regard shall be given to means and  
31 methods for protection of fishery resources in the planning for and  
32 construction of water impoundment structures and other artificial  
33 obstructions.

34 (7) Federal, state, and local governments, individuals,  
35 corporations, groups and other entities shall be encouraged to carry  
36 out practices of conservation as they relate to the use of the waters  
37 of the state. In addition to traditional development approaches,  
38 improved water use efficiency (~~and~~), conservation, and use of

1 reclaimed water shall be emphasized in the management of the state's  
2 water resources and in some cases will be a potential new source of  
3 water with which to meet future needs throughout the state.

4 (8) Development of water supply systems, whether publicly or  
5 privately owned, which provide water to the public generally in  
6 regional areas within the state shall be encouraged. Development of  
7 water supply systems for multiple domestic use which will not serve the  
8 public generally shall be discouraged where water supplies are  
9 available from water systems serving the public.

10 (9) Full recognition shall be given in the administration of water  
11 allocation and use programs to the natural interrelationships of  
12 surface and ground waters.

13 (10) Expressions of the public interest will be sought at all  
14 stages of water planning and allocation discussions.

15 (11) Water management programs, including but not limited to, water  
16 quality, flood control, drainage, erosion control and storm runoff are  
17 deemed to be in the public interest.

18 **Sec. 9.** RCW 90.54.180 and 1989 c 348 s 5 are each amended to read  
19 as follows:

20 Consistent with the fundamentals of water resource policy set forth  
21 in this chapter, state and local governments, individuals,  
22 corporations, groups and other entities shall be encouraged to carry  
23 out water use efficiency and conservation programs and practices  
24 consistent with the following:

25 (1) Water efficiency and conservation programs should utilize an  
26 appropriate mix of economic incentives, cost share programs, regulatory  
27 programs, and technical and public information efforts. Programs which  
28 encourage voluntary participation are preferred.

29 (2) Increased water use efficiency and reclaimed water should  
30 receive consideration as a potential source of water in state and local  
31 water resource planning processes. In determining the cost-  
32 effectiveness of alternative water sources, consideration should be  
33 given to the benefits of conservation, waste water recycling, and  
34 impoundment of waters. Where reclaimed water is a feasible replacement  
35 source of water, it shall be used by state agencies and state  
36 facilities for nonpotable water uses in lieu of the use of potable  
37 water. For purposes of this requirement, feasible replacement source

1 means (a) the reclaimed water is of adequate quality and quantity for  
2 the proposed use; (b) the proposed use is approved by the departments  
3 of ecology and health; (c) the reclaimed water can be reliably supplied  
4 by a local public agency or public water system; and (d) the cost of  
5 the reclaimed water is reasonable relative to the costs of conservation  
6 or other potentially available supplies of potable water, after taking  
7 into account all costs and benefits, including environmental costs and  
8 benefits.

9 (3) In determining the cost-effectiveness of alternative water  
10 sources, full consideration should be given to the benefits of storage  
11 which can reduce the damage to stream banks and property, increase the  
12 utilization of land, provide water for municipal, industrial,  
13 agricultural, and other beneficial uses, provide for the generation of  
14 electric power from renewable resources, and improve stream flow  
15 regimes for fishery and other instream uses.

16 (4) Entities receiving state financial assistance for construction  
17 of water source expansion or acquisition of new sources shall develop,  
18 and implement if cost-effective, a water use efficiency and  
19 conservation element of a water supply plan pursuant to RCW  
20 43.20.230(1).

21 (5) State programs to improve water use efficiency should focus on  
22 those areas of the state in which water is overappropriated; areas that  
23 experience diminished streamflows or aquifer levels; regional areas  
24 that the governor has identified as high priority for investments in  
25 improved water quality and quantity, including the Columbia river basin  
26 and the Puget Sound; areas most likely to be affected by global  
27 warming; and areas where projected water needs, including those for  
28 instream flows, exceed available supplies.

29 (6) Existing and future generations of citizens of the state of  
30 Washington should be made aware of the importance of the state's water  
31 resources and the need for wise and efficient use and development of  
32 this vital resource. In order to increase this awareness, state  
33 agencies should integrate public (~~education~~) information programs on  
34 increasing water use efficiency into existing public information  
35 efforts. This effort shall be coordinated with other levels of  
36 government, including local governments and Indian tribes.

1        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 58.17 RCW  
2 to read as follows:

3        In determining whether a proposed short plat, short subdivision, or  
4 subdivision meets the requirements for potable water supplies as  
5 required under RCW 58.17.060 or 58.17.110, and otherwise serves the  
6 public use and interest, the city, town, or county shall require:

7            (1) Conformance to any water conservation ordinances or plans  
8 adopted by the city, town, or county;

9            (2) Use of water conservation measures consistent with any regional  
10 watershed plan adopted under chapter 90.82 RCW, or any regional water  
11 supply plan as described in RCW 90.46.120; and

12           (3) Use of reclaimed water where potable water is not required, if  
13 it is consistent with any applicable local ordinance adopted for water  
14 reuse or use of reclaimed water.

15        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 35.21 RCW  
16 to read as follows:

17           (1) Any city or town may adopt a water conservation program by  
18 ordinance or other legal authority. This includes ordinances to  
19 implement the provisions of any regional watershed plan adopted under  
20 chapter 90.82 RCW or any regional water supply plan as described in RCW  
21 90.46.120. Such a program may include, but is not limited to, the  
22 following requirements:

23            (a) Use of water conservation measures consistent with specific  
24 provisions of regional watershed plans adopted under chapter 90.82 RCW;

25            (b) Use of water conservation measures that may be in addition to  
26 those required by either the department of health or the department of  
27 ecology, including landscape irrigation requirements, public fixture  
28 retrofit and rebate programs, and commercial and industrial  
29 conservation programs;

30            (c) Use of any opportunities for using reclaimed water where  
31 potable water is not required; and

32            (d) Mandatory use of reclaimed water for nonpotable water uses in  
33 lieu of the use of potable water where the jurisdiction has determined  
34 that reclaimed water is a feasible replacement.

35           (2) The provisions of any water conservation program shall be  
36 implemented by the city or town through development of any  
37 comprehensive plan, development regulations, issuance of permits and

1 other approvals, development of any sewerage or water general plan  
2 under RCW 36.94.030, operation of any sewerage or water systems under  
3 chapter 36.94 RCW, or as otherwise allowed by law.

4 NEW SECTION. **Sec. 12.** A new section is added to chapter 35A.21  
5 RCW to read as follows:

6 (1) Any city or town may adopt a water conservation program by  
7 ordinance or other legal authority. This includes ordinances to  
8 implement the provisions of any regional watershed plan adopted under  
9 chapter 90.82 RCW. Such a program may include, but is not limited to,  
10 the following requirements:

11 (a) Use of water conservation measures consistent with specific  
12 provisions of regional watershed plans adopted under chapter 90.82 RCW  
13 or a regional water supply plan as described in RCW 90.46.120;

14 (b) Use of water conservation measures that may be in addition to  
15 those required by either the department of health or the department of  
16 ecology, including landscape irrigation requirements, public fixture  
17 retrofit and rebate programs, and commercial and industrial  
18 conservation programs;

19 (c) Use of any opportunities for using reclaimed water where  
20 potable water is not required; and

21 (d) Mandatory use of reclaimed water for nonpotable water uses in  
22 lieu of the use of potable water where the jurisdiction has determined  
23 that reclaimed water is a feasible replacement.

24 (2) The provisions of any water conservation program shall be  
25 implemented by the city or town through development of any  
26 comprehensive plan, development regulations, issuance of permits and  
27 other approvals, development of any sewerage or water general plan  
28 under RCW 36.94.030, operation of any sewerage or water systems under  
29 chapter 36.94 RCW, or as otherwise allowed by law.

30 NEW SECTION. **Sec. 13.** A new section is added to chapter 36.01 RCW  
31 to read as follows:

32 (1) Any county may adopt a water conservation program by ordinance  
33 or other legal authority. This includes ordinances to implement the  
34 provisions of any regional watershed plan adopted under chapter 90.82  
35 RCW or a regional water supply plan as described in RCW 90.46.120.



1 Such a program may include, but is not limited to, the following  
2 requirements:

3 (a) Use of water conservation measures consistent with specific  
4 provisions of regional watershed plans adopted under chapter 90.82 RCW;

5 (b) Use of water conservation measures that may be in addition to  
6 those required by either the department of health or the department of  
7 ecology, including landscape irrigation requirements, public fixture  
8 retrofit and rebate programs, and commercial and industrial  
9 conservation programs;

10 (c) Use of any opportunities for using reclaimed water where  
11 potable water is not required; and

12 (d) Mandatory use of reclaimed water for nonpotable water uses in  
13 lieu of the use of potable water where the jurisdiction has determined  
14 that reclaimed water is a feasible replacement.

15 (2) The provisions of any water conservation program shall be  
16 implemented by the county through development of any comprehensive  
17 plan, development regulations, issuance of permits and other approvals,  
18 development of any sewerage or water general plan under RCW 36.94.030,  
19 operation of any sewerage or water systems under chapter 36.94 RCW, or  
20 as otherwise allowed by law.

21 NEW SECTION. **Sec. 14.** A new section is added to chapter 90.46 RCW  
22 to read as follows:

23 (1) The department of ecology shall establish a task force by July  
24 31, 2007, composed of no more than ten members including a  
25 representative from the department of ecology, who shall serve as  
26 chair, a representative from the department of health, and  
27 representatives from city, county, and water-sewer district utilities,  
28 and the environmental and business communities. By January 1, 2008,  
29 the task force shall submit to the appropriate legislative committees  
30 a recommendation for a long-term dedicated funding program to construct  
31 reclaimed water facilities. To minimize the administrative burden, the  
32 task force shall work toward a coordinated effort with the current  
33 clean water state revolving fund and centennial clean water fund  
34 integrated program under which reclaimed water projects with a water  
35 quality benefit are currently eligible and shall review the "2006  
36 Inventory of State Infrastructure Programs" produced by the joint  
37 legislative audit and review committee.

1 (2) The recommendation shall provide a comprehensive funding, loan,  
2 and grant program that includes the following:

3 (a) Eligibility requirements: Eligible components should include  
4 the additional water reclamation components to treat wastewater  
5 effluent to reclaimed water standards, distribution pump stations,  
6 storage, trunk lines, and distribution lines, and multiple-purpose  
7 projects in proportion to the costs allocated to reclaimed water;

8 (b) Competitive process for funding: The funding should be  
9 competitive and establish a maximum percentage or maximum funding  
10 amount available to any applicant;

11 (c) Priorities for funding that target reclaimed water projects  
12 ready to proceed, local support for the project, projects in areas that  
13 have adopted mandatory use ordinances or letters of intent to execute  
14 user contracts, projects providing broader public benefits to  
15 environmental water quality or water resource needs such as Puget Sound  
16 restoration, Columbia river water management strategies, water quality  
17 improvements, wetlands habitat, and instream flows, projects with  
18 benefits that clearly extend to citizens other than the utility  
19 ratepayers; and

20 (d) A proposed grant program for projects in identified high  
21 priority areas.

22 NEW SECTION. **Sec. 15.** A new section is added to chapter 90.46 RCW  
23 to read as follows:

24 (1) The legislature finds that the state should take a lead in  
25 increasing the visibility of the use of reclaimed water.

26 (2) The department of general administration shall develop a  
27 proposal to provide a comprehensive campus-wide plan for the use of  
28 nonpotable water in lieu of the use of potable water to serve as a  
29 demonstration project for the use of reclaimed water. The department  
30 of general administration shall work with LOTT alliance to provide a  
31 report to the legislature by December 1, 2007, of the needed  
32 infrastructure, cost, and potential funding sources for the project.

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