

Building a sustainable water future

In 2006, the Legislature directed the state Department of Ecology (Ecology) to coordinate with the state Department of Health (DOH) to adopt rules to address all aspects of reclaimed water use. A goal was to provide an efficient and streamlined process for using reclaimed water, and designate which agency is lead for new facilities and permits. The Legislature also directed the agencies to amend or rescind any existing rules on reclaimed water in conflict with the new rules.

The problem

In consultation with the state Office of the Attorney General, Ecology and DOH determined that the state needs to make statutory changes to develop a reclaimed water rule that will accomplish these legislative goals.

Currently, Ch 90.46 RCW (reclaimed water statute) is dependent on other statutes, primarily Ch 90.48 RCW, the Water Pollution Control Act, for permitting and regulatory authority. The requirements under other statutes do not always apply and there is confusion over the roles, responsibilities and authority of Ecology and DOH. This confusion may lead to:

- Delays in project implementation.
- Uncertainty about permitting requirements.
- Duplicative project reviews.
- Unclear regulatory oversight.
- Increased administrative and project costs.

Existing statutory definitions incorrectly emphasize that municipal wastewater is the only source of reclaimed water. This fosters unnecessary public concern about the safety of reclaimed water use as well as uncertainty about treatment and use requirements.

Local governments have expressed concerns that the inclusion of the Growth Management Act (GMA) under RCW 90.46.120

WHY IT MATTERS

It is the intent of the Legislature to encourage the development of water reclamation facilities so that reclaimed water may be made available to help improve water quality and meet the growing water requirements of the state. Reclaiming water benefits:

- Water quality.
- Water supplies.
- Growing communities.
- Response to climate change.
- Salmon recovery.
- Environmental protection.



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increases review times and costs, and creates the potential for legal challenges that could delay approval of GMA plans.

The solution

Amend the Reclaimed Water Use Act, Ch 90.46 RCW, to stand on its own authority, emphasize the value of reclaimed water, remove potentially conflicting requirements and facilitate rule development.

Ecology's proposal

Ecology worked with DOH, the Office of the Attorney General, and an external rule advisory committee to develop a proposed bill to comprehensively address specific issues within the statute. Ecology proposes the following changes:

- Create clear and specific permitting and regulatory authorities for Ecology and DOH.
- Authorize either Ecology or DOH to carry out all the duties outlined in statute and specify that only one of these agencies would act as the lead agency for a given permit. The lead agency would coordinate with the non-lead agency.
- Revise definitions to emphasize the value of reclaimed water. Remove definitions not essential to the statute.
- Delete references to GMA from RCW 90.46.120, add requirements for coordination with wastewater planning under Ch 90.48 RCW, and clarify the intent of this section.
- Consolidate permitting requirements for all types of use into one section.
- Clarify jurisdiction over appeals.

How it will work

This legislation is designed to remove administrative barriers to reclaimed water projects so that more projects can proceed with certainty. And, since rules cannot exceed statutory authority, the state needs these changes to statute to develop a strong reclaimed water rule to meet legislative goals for reclaimed water use.

How it will benefit Washington

The proposed statutory amendments will help move the state toward a more sustainable water future. Reclaimed water use provides a safe and reliable source of water that improves water quality, extends water supplies, reduces wastewater disposal costs and impacts, improves efficiency, and allows more water to remain in the environment. Read more at:

<http://www.ecy.wa.gov/programs/wq/reclaim/index.html>