

Collecting, or “harvesting” rainwater has been done for thousands of years. But with increasing interest in using this tool for stormwater management and to supplement water supplies, certain legal issues have come to the forefront.

The Department of Ecology (Ecology) is developing a rule to clarify ambiguity in existing state water law on the collection and use of rainwater.

Rainwater harvesting

“Rainwater harvesting” is the collection and storage of rain. Rainwater harvesting systems range from a barrel placed under a downspout to multiple tanks with pumps and controls. Residential collection systems can range from a 50-gallon rain barrel to cisterns of 30,000 gallons or more. Commercial systems can be much larger.

Ecology and water permitting

State law defines water resources as “all water above, upon, or beneath the surface of the earth, located within the state.” Rainwater is therefore legally considered a water resource of the State. And to use the waters of the State, you are required to get permission from Ecology in the form of a water right permit.

However, Ecology doesn’t require homeowners to obtain water right permits to collect and store small amounts of rainwater. Ecology recognizes that rainwater collection has many benefits and that regulating the use of small amounts of rainwater was probably not the intention of existing laws.

But existing law provides no clear guidelines on how much water can be collected before a permit is required. Legislation to address the collection amount threshold and other conditions of use was unsuccessful in the past seven legislative sessions.

Potential impacts of rainwater collection

In many cases rainwater collection is harmless and may be beneficial due to the fact that excess winter water is captured for use during the summer dry season. However, there could be instances in which many large rainwater collection systems could negatively impact senior water right holders and capture water that otherwise would replenish streams and ground water aquifers. This is the difficulty in defining the permitting requirements for rainwater collection: distinguishing



Simple rainwater collection system

For more information, on the web:

Ecology rainwater collection website:
<http://www.ecy.wa.gov/programs/wr/hq/rwh.html>

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between the systems that cause little, if any, impact and those that could cause negative effects.

The impact of rainwater collection systems depends on their size, location, the number of systems in a particular area, and the amount of water already appropriated in the basin.

For example, in areas bordering Puget Sound, rainwater collection generally presents few concerns because the rain, if not collected and used, would otherwise quickly become stormwater runoff into the Sound. (See below for stormwater management benefits.)

Stormwater management tool

Ecology is interested in encouraging rainwater collection in urban areas like Puget Sound to reduce polluted stormwater runoff.

Capturing rainwater before it becomes stormwater not only decreases the amount of stormwater that needs to be treated, but also decreases the amount of water that quickly runs off roads and other impervious surfaces into local streams. Large quantities of fast moving water can have negative effects on streams and the life they support.

“Stormwater runoff” is the water from rain or snow that runs off surfaces such as paved streets, highways, and parking lots. As gravity pulls it downhill into low spots, ditches and storm drains, the water picks up the soil, chemicals and other pollutants and carries them into our lakes, rivers and marine waters.

Supplementing water supplies

“Potable” water is water of sufficient quality to serve as drinking water.

In Washington State, water is most limited at the time that demands are highest (summer and early fall). Stored rainwater could be used for non-potable needs, such as toilet flushing and irrigation for gardens, which would help extend our drinking

water supplies. For people living in water-short areas like the San Juan Islands, rainwater may be the sole source for water.

Rainwater collection rule

As currently envisioned, the rainwater rule would recognize and clarify Ecology’s historical permit exception for the capture, storage and use of small amounts of rainwater. The proposed rule could include:

- Defined threshold limits, below which a water right permit will not be required.
- A distinct permit application process for individuals and groups that plan to construct rainwater harvesting systems that do not qualify for the permit exemption.
- Authorization for Ecology to expedite (priority process) rainwater permits due to their stormwater management and other environmental benefits.

The new rule would not affect the regional rainwater permit recently obtained by the City of Seattle, or future island-wide permits in San Juan County.