

Removing Barriers Subtask Force Meeting

September 25, 2008

9:30 am – 2:00 pm

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Meeting Summary

Welcome and Introductions

Angie reviewed the agenda. The intent of today's meeting was to focus on the 2008 draft report to the legislature, Chapter 2, from this subtask force. It was decided to move Task 4, unresolved legal issues to immediately after lunch and move Task 3, coordinated planning to the end of the agenda. The group also was invited to a tour of the LOTT Alliance Hawks Prairie reclaimed water plant immediately after the regular meeting.

Task 1: Incentive Selection for Education/Outreach

Jocelyn Winz presented two pages of text from the *rough draft* 2008 Reclaimed Water Report to the Legislature. Phase 1 of Ecology's recommended approach is enhanced public involvement during the rule making process. Ecology has already taken a collaborative approach to developing a rule by December 2010 with input from four external stakeholder groups. Aspects of this public involvement during this phase could include:

- 1) Creation of a fact sheet or brochure, jointly with DOH.
- 2) Updating the reclaimed water website
- 3) Conduct 8 or more reclaimed water workshops statewide, targeted at communities already planning reclaimed facilities, or high-need communities.
- 4) Three or more formal public hearings.

Bill Peacock alluded to the stormwater workshop example in Spokane where outreach was conducted during the rulemaking process. He stated that we need input from others outside our current stakeholder groups. Walt Canter felt that there should be broad public awareness of reclaimed water statewide and then more detailed local campaigns if a project was proposed. Bill thinks there should be general public awareness workshops prior to formal rule hearings. Kathleen Emmett thought public involvement could be phased in from general information to more detailed content as the rule goes to public hearing. Walt asked who the audience should be: the public or various government entities? Craig Riley thought that SB 6117 specifically gave DOH the task of developing a system to promote local outreach programs. Angie Thomson said

that our goal today is to determine if the stakeholders support the education and outreach plan outlined in the draft legislative report. Joselyn Winz noted that our current stakeholder groups provide valid constituency input, but we need more general public input. Should Ecology hold the minimum number of workshops and public hearings regarding the rule or expand the number? Walt wondered if the public is informed enough yet to give specific rule feedback. Tim Gaffney stated that the public hearings would not be conducted until the summer of 2010, so there is ample time for more general workshops.

Lynn Coleman thinks the most efficient way to provide public education is through partnering with other groups such as existing Ecology programs or local groups putting on public events. Public outreach events for aquifer storage and recovery, stormwater, water efficiency, and watershed planning could include information on reclaimed water. Clint Perry thought it may be too early now to expose the public to rule specifics. They need to hear the general message first. He didn't think local governments are that aware of reclaimed water options and benefits. Jocelyn thought we could focus on communities with a water shortage or TMDL needs (high-need communities). Still the focus could be on general subject matter such as who the users are or could be, not rule specific. Walt asked what the timeline for public education would be. He felt it should extend beyond the 2010 rule development period. Angie and Kathy Cupps asked if the group supported the highlighted phase in the draft report "The subtask force supports the continuation and expansion of our robust public involvement process through completion of the rule." Bill said he conceptually supports this statement but he would like to remove the word "robust". Bill also recommended removing the "8 or more" reclaimed water workshops and replacing this with "statewide". He also recommended removing "3 or more" public hearings and replacing with "statewide". Bill thought this wording would give Ecology and Health more flexibility in developing an education program. The subtask force agreed to all three of Bill's wording changes.

Jocelyn explained Phase 2 of the education/outreach effort as involvement on the local level. Some of the tasks should be identifying key local stakeholders, focus groups, public opinion surveys, involving elected officials, fact sheets, bill inserts, public meetings, and tours of existing successful reclaimed water facilities.

Bill did not agree with the highlighted statement in the draft report "The subtask force supports requiring public involvement, education, and outreach during the feasibility study step of water and wastewater projects." He would like to say "strongly supports" instead of require. The group agreed that "strongly recommends" is the best wording for the report. Bill also did not think public involvement would always come at the "feasibility study step". He thought a community may want to assess feasibility just to get an idea of cost factors before every going public with a project. The group then discussed differences between large and small systems and public versus private ownership. Kathy suggested that the rule should clarify when local public outreach should be implemented. The subtask force agreed that this topic needs more discussion and should be brought to the RAC for consideration.

Jocelyn explained Phase 3 of the education/outreach plan: statewide education and awareness. This would entail a major campaign to increase public awareness similar to the current litter control campaign. This would require a dedicated reuse coordinator position to implement

regional focus groups, regional surveys, develop various media sources, conduct outreach at public venues, create an online toolbox for use by local governments.

Bill liked this idea but thought the legislative report should very clearly express the need for funding from the legislature if this is to be implemented. Craig thought it was important to describe this as a tandem request from both Health and Ecology. Clint referred to 90.46.005 language in the current law that supports funding for the promotion of reclaimed water. The subtask force concurred that they want to report to clearly state their recommendation for funding to carry out a statewide education/outreach program.

Jocelyn passed out a 5-page outline of public involvement and communication strategy, asking the group to comment back to her on this.

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Task 2: Review Cost Incentive Recommendations

Kathleen asked the group to review the 5 key recommendations from this group identified in the summary of Chapter 2, 2008 Reclaimed Water Report to the Legislature. She then went through each key recommendation individually.

1. Staffing, resources and roles to support both Health and Ecology: A member of the group questioned whether the text of Chapter 2 clarifies the need to replace temporary or “project” positions within Ecology’s Water Quality Program with permanent positions. Bill and others in the group echoed this need and also stated that the format or wording of the report needs to make it clear that this is the subtask force’s recommendation, not coming from the agencies. Lynn also wants the report to clarify that the Water Resources program needs support for a fee or other means of supporting staff to review water rights impairment for projects. These reviews are currently conducted by regional office staff not funded by any source dedicated to reclaimed water. The water quality program functions much the same with review by regional office staff without specific reclaimed water funding authority, but does collect fees under RCW 90.48. The subtask force agreed with this. The group wants the report to clearly capture the current situation with vacant positions that cannot be filled due to the current hiring freeze and explain this impact on the rule making process.
2. Organizational opportunities to increase efficiency: The subtask force supported the draft report recommendations with minor wording changes. They agreed to separate the third bullet into two separate items. The group felt there should be an introduction to the recommendations to explain their goal. They thought bullet two should begin with the words “At a minimum,” They want to stabilize and optimize the current staffing and organizational structure. It was suggested under bullet three that the group does not see the need to create a “new department of water” but instead an “appropriate level” of authority and elevated recognition for the program that will enhance coordination of projects and improve review efficiencies. I was under the impression that they still wanted to recommend a separate organization for this work, but that they thought the Legislature should specify what type and level that organization should be. Other comments? - Kathleen

3. Incentives to expand reclaimed water use: The group reviewed Chapter 3 of the 2007 Reclaimed Water Report to the Legislature. They agreed to support the identified funding needs and suggested revenue sources outlined in the 2007 report. References are made to this report in this Chapter. The subtask force asked that bulleted recommendations from the 2007 report be repeated under this section and clarified the wording they would like to see for these bullets. It was recommended that the proposed \$10 million capital funding request to the legislature for the 2010-2012 biennium outlined by Chapter 4 of the 2008 report also be referenced in this section.

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Task 3: Coordinated Planning

4. Implementation of the planning requirements in 90.46.120 RCW: The subtask force did not have a lengthy discussion of this issue since it had been debated and resolved at the RAC meeting the day before. It was recommended that the report be revised to include the decisions of the RAC. Some members of the group expressed the opinion that including the Growth Management Act in reclaimed water planning may be a barrier.

Jim updated the subtask force on the work of the coordinated planning checklist. The workgroup had met once but decided to delay further meetings until revisions to 90.46.120 were agreed upon by the RAC. Comments from this group, Tim Gates at CTED, and Mike Dixel of DOH had been worked into a revised planning checklist. However, Jim had deleted the Growth Management Act portion of the revised checklist he passed out to the group. This was based on yesterday's decision to remove the reference to GMA from Section 120 of 90.46 RCW. The subtask force decided that it was still appropriate to include GMA questions in the checklist and that the bulleted recommendations at the end of this section of the report should reflect this. Jim will revise the checklist to include GMA and send an electronic copy to the workgroup within the next couple of days.

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Task 4: Unresolved Legal Issues

5. Unresolved legal issues: The group commented that the question and answer format for this section does not match the text in other sections of this chapter and that Ecology staff should reformat this section. The group felt that a lack of liability insurance is one of the key barriers to use of reclaimed water. Perhaps convincing insurers that Class A reclaimed water is not a "polluted source" may allow private insurers to provide coverage. Concern was also expressed for the threat of 3rd party lawsuits involving reclaimed water implementation. Systems that discharge to surface water under NPDES may not be excluded from a 3rd party suit under 90.48 RCW, but reclaimed systems with a beneficial use going to groundwater may be.

There was a discussion of the potential for reclaimed water to compete with potable water in a given service area. Regions with Coordinated Water System Plans should be able to resolve this issue, but others may not have a mechanism to do so. There was a question as to whether reclaimed water can be mixed with rivers and aquifers. The answer was "yes", if

surface water or groundwater quality standards are met. The group felt this topic did not need to be addressed in the report. On the topic of AKART, the subtask force felt that this issue is a barrier but it can best be addressed in the TAP first and then in the RAC.

Closure

Tim and Kathleen talked about the next step in the legislative report development. It was decided that all comments from this group will need to be in Tim's hands by Oct. 9th. Kathleen will revise Chapter 2 based on today's discussions and send this out within a couple of days so the subtask force will have another chance to comment before Oct. 9th. Kathleen thanked the group for all of their hard work over several months. It was announced that everyone was invited to tour the LOTT Alliance Hawks Prairie reclaimed water plant.

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Meeting Attendees

Department of Ecology

Kathleen Emmett, Agency Lead

Angie Thomson, Facilitator

| Committee Members and Alternates | Ecology Staff |
|---|-------------------------------------|
| Bill Peacock, City of Spokane | Kathy Cupps, Department of Ecology |
| Clint Perry, Evergreen Valley Utilities | Tim Gaffney, Department of Ecology |
| Walt Canter, WA Assoc. of Sewer & Water Districts | Jim McCauley, Department of Ecology |
| Craig Riley, DOH | Jocelyn Winz, Department of Ecology |
| | Lynn Coleman, Department of Ecology |