

Reclaimed Water Rule Advisory Committee

July 11, 2007, 9:30 – 2:30 Lacey, Washington

DRAFT Meeting Summary

Attendees

See list on the last page of meeting summary.

Materials

Three documents were emailed prior to the meeting: 2 PowerPoint presentations and an outline of the various reports due the legislature by the end of the year.

Ecology Action Items

- Melissa will check into “net meeting” possibilities for sub-task force meetings.
- Ecology and Health will continue to consider input and work on streamlining the permit process internally while committee moves on to other tasks. We will update the committee as needed.
- Kathy will organize the responses on risk-based standards into categories as an aid to our work for the September meeting.
- Kathy will research the ‘star’ rating system presented at the June workshop as a potential tool for classifying reclaimed water.

Task 1- Updates on the Reclaimed Water Program

Kathy Cupps provided information on the following items:

- Reclaimed Water 2007 Capital Funding
- Reclaimed Water Staff Coordination
- Reclaimed Water – 6117 Implementation
- Water Rights Update – Bob Barwin
- Partnering - ELI – Scott Redman and Langdon Marsh
- Reports to Legislature – Due Dec 2007

Task 2 – Permit Process. (PowerPoint: Focus on Permit Process)

Kathy Cupps presented information on Ecology and Dept. of Health’s initial 4 recommendations to improve and streamline the reclaimed water permit process.

The recommendations are:

1. Issue joint agency permits with designated lead.
2. Provide “seamless” inter-agency coordination.
3. May combine or separate the reclaimed water and wastewater discharge permits.
4. Allow up to 10 years before permit renewal

The advisory committee asked a number of questions and provided feedback.
During Presentation:

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- Un-pack the term single (separate) permit and combined permit.
- Some problems with the separate permit
 - 10 year (maybe 5). Thorough review needed more often.
 - Removing 3rd party liability.
- Is there legislative authority for a 10 year permit? Separate permit? Does Ecology need additional legislative approval?
- Will each permit option have some of the same permit conditions?

Discussion:

- Why does one slide say “discharge”, the others do not. (Permits where federal law (clean water act) considers it a discharge – to surface waters – we used the term discharge.)
- Separate permit – allows more variation, which will probably complicate the permit. (Variation is not always a positive)
- Where does the “10 year renewal” come from? [State looking at 10 years also for renewing state discharge permits – administratively practical and provides more certainty)
- Does the state wastewater discharge permit really NOT have 3rd party liability? [Yes, only permits under the federal clean water act]
- Both combined and separate permits have merits. Can renewals be coordinated between the two permits? Are you aware of any state that has a 10 yr. NPDES permit? [No- federal statute has a 5 year term limit for NPDES].
- I noticed the permits are individual- I thought you would be looking at using a General Permit. [Looked at but did not see enough commonalities yet. We will be putting a place-holder process in the rule.]
- Could emergency or other situations occur where a general permit could be used.
- Would the red-green-yellow compliance description go into the rule? Is there a “rule-of-thumb” between what goes into rule and what goes into guidance? [That is what we are determining]
- How would small, dispersed systems work? Hood canal is a good example. Would the home-owners’ association be issued permit or system manager? [Still looking at how to implement- existing law says the owner receives the permit]
- Hood canal is emerging as a productive sample-case” to work through. Timing is good given the focus. It ties in planning, GMA. PUDs etc.
- What about certified operators- take a look at this. [We are exploring options - certified operators for reclaimed water (and for small systems) is a national issue right now.]
- For small agencies making a dual certification & coordinating the re-certification really makes sense. (especially sewer and reclaimed water & drinking water.)
- DOH will soon is developing the Large Onsite System rules and will be looking at certification there also.

Task 3 –Finalize Work Schedules. (PowerPoint - Questions and Schedules.)

Melissa McEachron provided a PowerPoint with updates on the rule development and sub-task force and schedule preferences and options for the next 4-5 months. The group chose final dates and times. The group also suggested Melissa check into “net-meeting” as a back-up or if additional meetings are necessary.

Task 4 – Technical Standards Introduction. (PowerPoint –Grouping Topics of Interest.)

Kathy introduced the technical standards topic. She reviewed the technical standards topics identified by the Rule Advisory Committee in November, 2006.

Kathy then asked the group to the following question: What Does the term Risk-Based Standard(s) mean to you? Here are the responses:

- Probability of failure and liability or risk associated with the failure.
- How many back-up systems – cost/benefit of the systems.
- Look at the risk of failure and effort needed to avoid it or level of detail needed for refinement. (e.g. Life load or snow load)
- Setting a probability of failure for the environment and human health. Helping the public get their arms around the risk.
- A way to communicate failure – human contact, environmental failure – important to have good language around this.
- I hear more of what it is not. Needs to be a balance. There is a distinction- it is not just technical since it goes to water quality impacts. It is not just a treatment train concept.
- I look to what the water is used for. Then balance the risk with the cost. In terms of failure and consequences. [Shared 2 examples. 1) Relative risk to that of reclaimed water not being used and 2) vs. bottled water]
- I have concerns. It reminds me of the saying “ Absence of evidence is NOT evidence of absence.” Sewage is sewage until you lose track of it.
- Risk was originally tied to carcinogens. Now, science is pointing to exposure both human health and environmental. Are we asking the right questions?
- What exactly are we talking about. EPA based? Prescriptive or project based? Public information about the risk, which is typically outside the regulatory realm.
- I look to how do new technologies improve failure rates. Which processes have what failure rates when operating within design parameters. Here, we don’ know...what we don’t know. We are moving through what it means now.
- I think of a lot of questions. Public perception is really important. Working with the public on pharmaceuticals in a sole source aquifer is challenging.
- I look a risk compared to what we are doing now. Is the quality improved better than what we are doing now? I think is it also important to let folks know that water is water.
- I go to what exactly is risk? Is it a statistical analysis only? Or proof based on the absence of evidence?
- The term risk is wide and varied in its definition. I look at focusing in on the quality of the water and use perceived risk...which is a really big risk.

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- I think water quality risks. I'm not happy with the cancer percentage risk description. I also look at infrastructure failure risk. For example, look at what happens in US and Europe airports when there is a security breach. In the US, the whole airport shuts down because the security screening at a central point at front. In Europe, the security screening takes place at the gate. So when a security breach occurs, only the gate or wing is shut down, not the whole airport.
- To compare and weigh relative risks in technology is a huge challenge. Yet we have to adequately address them.
- The classic definition, if you will is probability. We also have to put the risk into perspective in order to gain public confidence and buy-in. Also, there is risk to stream flows and the aquifer to the "do-nothing" option, which is often externalized.
- I think there is also an element of threat and exposure. Relative risk is talked about as more of an absolute. There is a tendency to look at cost-effectiveness as intricate measurement of how good is the water we are trying to achieve. Insurance is often proof against upset... Historically, in 1992 the legislature wanted a product that inspires confidence to use the water. Don't put people at risk just because the economics favor it.
- When making decisions with uncertainty. Standard tools exist to help us. Defining the acceptable level of uncertainty becomes important. (100% certainty vs. risk.) We have to look at what level of risk is acceptable for the project.
- Is there any other type of standard than risk based? Risk to human health. Risk to environment. (everything else) If we use the premise that reclaimed water is good. Then the cost can't be so high. We use reasonable levels of risk to encourage reclaimed water use. (Spokane example). We will probably not be able to totally eliminate all risk. However, the risk is commensurate with promoting reclaimed water.
- We quantify and qualify risk. We determine the level of risk that is acceptable and look at reliability, quality, and so forth.

Additional Thoughts:

- There will be risk regardless.
- Is there anything that is not subject to some type of risk based analysis?
- Reminds me of a saying. "A sale occurs when the value exceeds the price". We have not established the "real" value of reclaimed water yet. Until we do, price is what people think about.
- We also need to look at and deal with reclaimed water on a community by community basis. In Thurston County, the community voiced the opinion that they were not ready for full drinkable reclaimed water, but were ready for other uses.
- When we sell reclaimed water, it is really important to establish and maintain the public's confidence level.

Task- A New Name for Reclaimed Water

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One of the Removing Barriers sub-task force responsibilities is to recommend a more appropriate name for reclaimed water. Kathy went around the table and each member gave an idea for a new name. Here are the ideas so far:

- Many like “Reclaimed Water”
- Several also liked Recycled water
- Renewable water
- Reborn H₂O
- Star Water
- Purple pipe water
- Astronaut, (Tang) or space shuttle water
- Designer Water

We will continue to brainstorm name ideas to see if there is a clear ‘winner’.

Audience Comments - None

Adjourn - 3:00 pm

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Attendees

Department of Ecology

Katharine Cupps, Agency Lead

Melissa McEachron, Rule Coordinator

Department of Health

Maryanne Guichard, Director,
Office of Shellfish and Water
Protection

Dave Lenning, Environmental
Health and Safety

Committee Members and Alternates	Guests
Scott Redman, Puget Sound Partnership	
Bruce Rawls, Spokane County	
Paul Schuler, PNCWA	
Bob Barwin, Ecology, WRP	
Nancy Winters, Ecology, WQ	
John Kounts, WA PUD Association	
Tikva Breuer, City of Olympia	
Chris McCabe, AWB	
Susan Kaufman-Una, King County	
Walt Canter, WASWD	
Hal Schlomann, WASWD	
Douglas Raines, Dept. Of Corrections	
Karla Fowler, LOTT	
Clint Perry, Evergreen Valley Utilities	
Craig Riley, DOH	
Bill Peacock, City of Spokane	
Bonne Beavers, Center for Justice	
Heather Trim, People for Puget Sound	
Keith Folkerts, Kitsap Co.	
John Stuhlmiller, Farm Bureau?	
Ginger Desy, Sno-King Alliance	

*Permit Process –
Agreements and Parking Lot Items*

Parking Lot

1. Definitions needed: beneficial use, significant risk, controlled use.
2. Pipe separation standards.
3. Countywide Planning policies should be encouraged in RW.
4. Recommend to the legislature statewide indemnification options related to reclaimed water use.

Agreements Thus Far

I. Process Agreements

1. Evaluate all types of permitting approaches including combined vs. separate permits, general vs. individual permits, drinking water, biosolids, and other approaches. Flexibility is good.
2. DOH and Ecology continue to work internally on the permit process and incorporate feedback from the July 11, 2007 presentation. They should keep the committee updated on their progress.
3. Want outside speakers at every meeting. Real world examples.
4. ~~Need to begin now to work on task forces that may happen from proposed legislation.~~
[Completed 7/11]
5. Appreciate PSAT working with the Environmental Law Institute – this will be valuable.

II. Agreements Related to the Intent of the Puzzle Pieces

6. Puzzle Piece #8: Automatic transfer of permit ownership is good.
7. Puzzle Piece #9: A permit fact sheet or statement of basis is needed. It should cover important information but keep it as short and simple as possible.
8. Puzzle Piece #17: Water Quality, Distribution and Use
 - o Permit conditions for water quality, location rate and purpose of use.
 - o Permit conditions for adequate and reliable treatment.
 - o Permit conditions assuring public health, environmental protection and suitability for the permitted uses.
9. Puzzle Piece #17B Pretreatment and Source Control
 - o Permit conditions should require pre-treatment and source control.
10. Puzzle Piece # 18
 - o This is going to need a lot more work.
 - o Contracts and Agreements should comply with the permit requirements.
11. Puzzle Piece #19 O&M Protocols
 - o Permit should require proper operation and maintenance.
12. Puzzle Piece #29 Adding New Users
 - o Make it easy and simple.
13. Puzzle Piece #20 Operator Certification
 - o Provide recommendations to operator certification advisory committee for updating Ch 173-230 WAC.
 - o Like the idea of participating in the national process for certification through ABC – meld with the other states efforts.

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14. Puzzle Piece #21 Laboratory Accreditation
 - Require certification as a permit condition.
15. Puzzle Piece #22 Monitoring and Recording
 - Appropriate monitoring and records should be a permit condition.
16. Puzzle Piece #23 Monitoring Protocols and Frequencies
 - Permit condition should require monitoring protocols and frequencies.
 - This one will need a lot more work.
17. Puzzle Piece #24 Reporting Requirements
 - Periodic reporting should be a permit condition.
 - Emergency reporting OK as long as someone is there 24/7 to take the calls.
 - Permitting agency should supply the reporting forms.
18. Puzzle Piece #25 Other Permit Terms and Conditions
 - Require consistency with permit terms and conditions.
 - Address water right impairment legal requirements.
 - State that permits are in addition to – and do not limit – requirements in other state and federal laws.
 - Allow permitting agencies to add conditions necessary to protect public health and the environment.

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