

DEPARTMENT OF ECOLOGY
Reclaimed Water Use
Rule Advisory Committee Meeting
October 11, 2006 9:30 am – 12:30 pm
Department of Ecology, Lacey Office (HQ-SWRO)
SUMMARY

Department of Ecology

Katharine Cupps, Agency Lead
Melissa McEachron, Rule Coordinator

Department of Health

Brad Avy, Program Manager

In attendance

Members

Bruce Rawls	Spokane County
Clint Perry	Evergreen Valley Utilities
Karla Fowler	LOTT
Pam Bissionette	King County
James Bay	City of Sequim
Kirk Cook	Department of Agriculture
Michael Barber	Clean Water Center, WSU
Craig Riley	Department of Health
Hal Schlomann	WA Assoc. of Sewer and Water Districts
Chris McCabe	Assoc. of Washington Businesses
Don Perry	Lakehaven Utilities
Peter Brooks	City of Lacey
Garin Schrieve	Department of Corrections
Heather Trim	People for Puget Sound
Lynn Coleman	Department of Ecology
Ginger Desy	Sno-King Water Coalition
Scott Redman	Puget Sound Action Team
Keith Folkerts	Kitsap County
Paul Schuler	Pacific Northwest Clean Water Assoc.
John Kounts	WA Public Utilities Association
Katie Krueger	Quileute Nation
Tom Fox	Seattle Public Utilities

Alternates

Peggy Leonard	King County
Robert Barwin	Ecology
Terry Martin	Seattle Public Utilities

Action Items

- Committee members will review meeting summary and send additional comments for the final meeting summary to Melissa, if so desired.

- The group had several requests for Kathy and Melissa:
 - Kathy agreed to provide reclaimed water resource links. (email 10/12/06)
 - Melissa agreed to email the reclaimed water bill (2884) and the PowerPoint presentations. (email 10/11/06).
 - Kathy agreed to transcribed the topics of interest from the flip-charts and provide an outline of grouped topics using the categories found in the current standards as a framework. (email 10/12/06) Both documents are also attached to this summary.

Opening

- ❖ Melissa McEachron and Katharine Cupps welcomed the group, gave a brief overview of the purpose of the committee, and proceeded with committee introductions. Kathy then introduced David Peeler, Water Quality Program Manager.
- ❖ Mr. Peeler delivered opening remarks to the group. He welcomed the group and thanked everyone for volunteering. He also let the group know that they have important work to do and that he values their time and input in advising us (Ecology) on its content. Mr. Peeler touched on many points during his remarks including:
 - Ecology is a strong supporter of reclaiming water, which is recognized as a limited resource - too valuable to use once and throw away;
 - Reclaimed water ties in with other initiatives in the state;
 - Reclaimed water use in our state is growing –19 facilities across the state produce and use reclaimed water;
 - ESHB 2884 directs Ecology to adopt rules addressing all aspects of reclaimed water;
 - This is the first rule for reclaimed water use in Washington;
 - There are three key areas to keep in mind as work on the rule begins:
 - Update standards to support new technologies and proposed uses.
 - Streamline and clarify both technical review and permit procedures.
 - Attract and retain customers for reclaimed water.

Mr. Peeler concluded his remarks by acknowledging that reclaimed water use is increasing across the country and is growing in Washington as well. Several factors, including droughts, stringent EPA regulations on waste and potable water, increased public awareness, new technologies, and upcoming replacements of current wastewater systems, will largely influence the growth of reclaimed water use in the coming years.

Rule Development Process –PowerPoint Presentation

Melissa provided the group with an overview of the Rule Development Process and the Administrative Procedure Act requirements.

Reclaimed Water in Washington – PowerPoint Presentation

Kathy Cupps presented an overview of Reclaimed Water Use in Washington.

Identifying and Prioritizing Topics of Interest for this Rule Development effort

Kathy Cupps led the group through a discussion of Topics of Interest for this rulemaking. The group reviewed the short list of topics sent out with the agenda. The group constructively discussed and expanded that list, summarized on flip-charts. (Attachment 3) The group also requested that Kathy and Melissa take the expanded interest list, along with the current standards and produce a scoping document or outline of what a WAC might look like. (Attachment 4)

Future Meeting Dates

The group identified the next meeting date and time:

November 29, 2006

10:00am-2:30pm

Department of Ecology-Lacey Office.

The group agreed to try a working lunch with a short break. The group also discussed and identified meeting dates for 2007. (2nd Wednesday of every month).

The group determined that the Ecology building in Lacey is the first choice for a meeting place. The “next-best” place was identified as somewhere in SeaTac, close to the airport. The group also acknowledged that Ecology should occasionally try to schedule a meeting in central and/or eastern Washington.

Melissa agreed to coordinate the schedule. She found available space at the Ecology-Lacey Office for several of the 2007 dates. (See table below) Melissa will continue to search for a meeting place on those dates when the Ecology-Lacey Office is not available:

1/10/2007	10:00am-2:30pm	ECY -Lacey Office (place tentative)
2/14/2007	10:00am-2:30pm	t.b.d.
3/14/2007	10:00am-2:30pm	ECY-Lacey Office
4/11/2007	10:00am-2:30pm	ECY-Lacey Office
5/9/2007	10:00am-2:30pm	t.b.d.
6/13/2007	10:00am-2:30pm	t.b.d.
7/11/2007*	10:00am-2:30pm	ECY-Lacey Office
8/8/2007*	10:00am-2:30pm	ECY-Lacey Office
9/12/2007	10:00am-2:30pm	ECY-Lacey Office (place tentative)
10/10/2007	10:00am-2:30pm	ECY-Lacey Office (place tentative)
11/14/2007	10:00am-2:30pm	ECY-Lacey Office

* Tentative meeting date(s)

Topics for November 29 meeting

- Further refine and clarify some of the general items on the list generated by the group;
- Prioritize grouped list;
- Form subcommittees for specific topics;
- Establish workable ground-rules for the group;
- Schedule a speaker on one of the topics, as time allows. (Note: *Kathy and Melissa are arranging for speakers on -Water Rights Impairment.*)

The meeting adjourned at 12:30.

ATTACHMENT 3

Interest List Generated in the Reclaimed Water Rule Advisory Committee

Water Rights Impairment (Ecology consistency)

Standards for membrane systems and other systems

Use area restrictions

Revisiting classifications for use

Liability issues

Precipitation concerns for groundwater uses (addressed in hydrogeo documents from 1997 standards – see files)

Permit and accountability of purveyors and contractors – users

Pharmaceuticals

Emerging chemicals and other chemicals

Access to research in other states

Unintended barriers

Funding – who benefits and who pays?

Performance or outcome (use) based standards vs treatment technologies

Incentives for re-use (structural, etc.)

Stormwater blending – NPDES

Subsurface groundwater recharge (vadose zone percolation)

Terminology – water supply, resource or product vs. wastewater or effluent (liability issues).

How reclaimed water is planned comprehensively between water supply planning and wastewater facility planning when not the same entity. Timing, regional issues, approvals, permits.

Credits for recharge – quantity

Lack of alignment between costs and benefits

Decentralized systems – domestic on-site systems – affordable and protective

Attorney generals office clarity

Affordability and protection of small systems – all systems.

Interjurisdictional issues – cross boundary opportunities (tribal)

Exclusive right broadens definition of water rights characterizations net deficit on instream flows. Relinquishment of water rights.

Standards for water right mitigation use.

ATTACHMENT 4

TOPICS OF INTEREST SCOPING FOR CH 173-219 WAC RECLAIMED WATER USE

1. General Information

- Scope from ESHB 2884 and for the Reclaimed Water Use act [CH 90.46 RCW](#)
- Access to research in other states
- Unintended barriers
- Incentives for reuse (structural – etc)
- Terminology – water supply, resource or product vs. wastewater or effluent (definitions and liability issues)
- Legal – attorney general office clarity
- Restrictions, prohibitions, exemptions
- Relations to other regulations

2. Technical Standards (Reference: [1997 Standards](#))

A. Minimum Technical Standards for Adequate and Reliable Treatment

- Treatment technology based requirements
- Membrane Filtration and other treatment technologies
- Public Health Protection – Pathogen Reduction (virus removal)
- Environmental Protection (newly detected substances – emerging chemicals and pharmaceuticals)
- Reliability Requirements
- Process for Equivalency Determinations
- Blending with stormwater facilities (or other supplies) quality issues

B. Use-Based Requirements

- Commercial and industrial uses (RCW 90.46.040)
- Irrigation (Land Application) (RCW 90.46.040)
 - Agriculture
 - Urban uses
- Groundwater Recharge (and Recovery)
 - Surface Percolation (90.46.080)
 - Precipitation concerns for groundwater uses (addressed 1997 -HG documents)
 - Subsurface groundwater recharge (recharge in the vadose zone – standards)
 - Direct Aquifer Recharge (90.46.042)
 - Relation to UIC
 - Relation to ASR

- Wetlands (90.46.044 and 090)
- Surface Water Augmentation (90.46.100)
- *Potable Use??*
- Uses Not Listed
- Revisiting Classifications for Use
- Best Management Practices and Use area restrictions

C. Small Decentralized Systems (Special Needs)

- Domestic on-site systems
- Affordability and protective.

3. Plan Evaluations and Reports

A. Roles of Ecology and Health

- General submittal requirements
- Review standards

B. Coordinated Planning Process (90.46.120)

- Comprehensive planning between water supply planning and wastewater facility planning
- Especially when not the same entity
- Regional planning issues
- Timing, approvals, engineering reviews, permits

C. Finance and Economics

- Feasibility Studies - full cost accounting
 - Funding – who benefits and who pays?
- Financial, technical and operational viability (especially private utilities)
- Lack of alignment between costs and benefits

D. Water Rights

- Mitigation for New Water Rights
 - Credits for recharge – quantity
 - Standards for water right mitigation use
- Impairment of Existing Water Rights 90.46.130
 - Water Rights Impairment (Ecology consistency)
- (Tribal) Inter-jurisdictional issues – cross boundary opportunities
- Exclusive Right - broadens definition of water rights characterizations – net deficit on instream flows, relinquishment of water rights.

E. Engineering Reports, Design Criteria, O&M Manuals, Construction Documents
(See [Ch E1 Guidance of “Orange Book”](#))

4. Permit Process (See 90.46.030 AND 040 and 1997 Standards)

- A. Roles of Ecology and DOH
- B. Procedures and Forms

- Application
- Modifications
- Adding Uses or Users
- C. Monitoring and Operations
 - Sampling and Analysis
 - Monitoring Requirements
 - Operator Certification
 - Operator Protocols
- D. Records and Contracts
 - Contracts and Agreements
 - Recordkeeping
 - Reporting, Non-compliance and Enforcement
- E. Relationships to Other Permits
 - NPDES
 - Stormwater (blending)