

## Draft Meeting Summary

Reclaimed Water Use Rule Advisory Committee  
Department of Ecology Lacey, WA  
9:30-11:30am  
December 5, 2007

### *Draft Meeting Summary*

#### *Attendees*

Hal Schlomann, WA Water and Sewer District Association  
Don Perry, Lakehaven Utility District  
Chris McCabe, Association of Washington Business  
Karla Fowler, LOTT Alliance  
Craig Riley (conference call), Department of Health  
Tikva Glantz, City of Olympia  
Bruce Rawls (conference call), Spokane County  
Bill Peacock (conference call), City of Spokane  
Clint Perry (conference call), Evergreen Valley Utilities  
Terry Martin (conference call), Seattle Public Utilities  
Bonne Beavers (conference call), The Center for Justice (Spokane)  
Paul Schuler (conference call), GE Environmental

#### *Ecology*

Katharine Cupps  
Melissa McEachron  
Lynn Coleman  
Eugene Radcliff  
Jim McCauley  
Kathleen Emmett  
Nancy Winters  
Dan Filip  
Alissa Ferrell

#### *Guests*

Ginny Stern, Department of Health

#### *Introductions and Agenda*

Melissa reviewed the agenda with the group and asked for introductions, including those joining through conference call. She asked if they had a chance to review the executive summaries. Most members replied yes. The group also wanted to proceed with the review of executive summaries.

#### *Review Draft Executive Summaries to the 2007 Reclaimed Water Legislative Report Eugene Radcliff (PowerPoint Presentation)*

Eugene Radcliff presented an overview of the draft 2007 Reclaimed Water Legislative Report. He briefly explained the report is actually a collection of ten reports. Eugene then reviewed the Executive Summaries for each chapter. The report is due to the Legislature by January 1, 2008.

The following are the key messages from each chapter:

Chapter 1: Rule Development

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- On schedule for rule development by 2010.
- Current focus—complete administrative framework
- Anticipate changes—2009 session.
- Develop strategy to address changes
- Developed a scope of work with four major sections.
  - Permit process—completed advisory input—proposal
  - Technical standards—under development—focus for 2008
  - Submittals and reports—late 2008
  - Other topics of interest—incorporate in 2009

### Chapter 2: Removing Barriers Subtask Force

- Removing Barriers Subtask Force prioritized assigned tasks into a work plan for 2008.
- Focus major work on recommendations for legislative changes (planning and incentives) during the first half of 2008.
- Recommend keeping the generic name “reclaimed water” as the appropriate name.

### Chapter 3: Long-term Funding Program

- Existing state and federal funding sources for wastewater treatment are insufficient.
- Estimated need of \$365 million by 2010
- Initial funding program of \$50 million dollars with phased increases.
- Potential revenue sources include specific taxes.
  - Bottled water
  - Soft drinks
  - Increasing public utility taxes
  - Dedicate existing tax to reclaimed water
  - Sales tax exemptions
- Grant needs for financial hardship and high priority areas.
- Consideration of water rights issues.
- Program includes all required components including eligibility and provisions for grants and loans.

### Chapter 4: Implementation in Local Plans

- Most water plans and ordinances identify water conservation. However, reclaimed water is not universally part of all local plans or ordinances.
- Ecology found a positive attitude and interest in reclaimed water use.
- Several organizations requested additional options and resources to facilitate the use of reclaimed water.
- Removing Barriers Subtask Force will continue this task.

### Chapter 5: Implementation in Watershed Plans

- Ecology reviewed 32 watershed management plans.
- Each plan uniformly addressed reclaimed water.
- Ecology reviewed 7 watershed implementation plans and 4 of those addressed reclaimed water.
- Costs for reclaimed water projects varied widely.
- Ecology will provide a separate report on the status of watershed planning in January 2008.

### Chapter 6: Harmonizing Statutory Planning Requirements

- Ecology worked with the Attorney General’s Office to provide recommendations and ensure effective implementation.

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- A combination of a simple amendment to each of the statutes referenced and revisions to RCW 90.46.120.
- Ecology should get additional stakeholder input before proposing recommendations to amend these statutes.
- Removing Barriers Subtask Force was assigned this task.

### Chapter 7: Water Rights Impairment Issues

- Water right of reclaimed water vs. existing water rights.
- Water right issues are complex and need to be addressed, it is important to consider the broad range of perspectives.
- Discharges to the Puget Sound estuary or other marine waters would “automatically” not impair existing water rights.
- Water right holders with out-of-stream uses and in-stream flows set by rule may be impacted by new consumptive uses of reclaimed water.
- WR Advisory Committee examined case studies.
- Developed a list of priority questions needing resolution.

### Chapter 8: Health Related Issues

- Department of Health (DOH) is on schedule to adopt rules for greywater use by December 2010.
- DOH intends to consider permit fees in conjunction with the advisory committee.
- 100% of the coordinated water system plans submitted to DOH and 78% of the individual systems addressed reclaimed water use.
- Water systems perspective is that of a consumer not a producer.
- Public health risks associated with reclaimed water.
- Public acceptance and outreach.
- Working toward the goal of achieving a one permit fee system regardless of which agency issues the permit.

### Chapter 9: Capital Budget Funding for Puget Sound

- The competition for the \$5.4 million of funding was high.
- Ecology received 23 applications with a combined grant request of \$17.5 million.
- Ecology anticipates that all of the funded projects will begin by mid-2008.
- The success of this initial program demonstrates the value of continuing funding support for reclaimed water use projects.
- Ecology is currently preparing a draft offers and applicant list for posting to the website in December 2007.

### Chapter 10: Demonstration Project for Reclaimed Water on the Capital Campus

- General Administration and the City of Olympia evaluated three options to achieve their legislative task.
- The recommended approach will cost approximately \$2.32 million.
- The total amount available to the project is \$930,000 leaving a need for \$1,390,000 in new money.
- The savings include:
  - An additional 12 million gallons of potable water each year.
  - Approximately \$40,000 in annual water costs.

### *Questions and Comments*

Melissa asked the group how they wanted Ecology to field questions. They agreed to address them one chapter at a time.

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Chapter 1: No questions

Chapter 2:

**Q:** Were there any exercises done to address barriers to reclaimed water?

**A:** Yes. Melissa reminded members of the brainstorming session conducted at one of the Rule Advisory Committee meetings. The Removing Barriers Subtask force added the topics to those already identified and sifted through these topics to determine the work plan for 2008. The Subtask force will address topics where recommendations are due to the legislature in the first half of the year. Remaining topics will feed-in during the second half of the year and beyond. Ecology should also receive the Environmental Law Institute report soon. The report focuses on barriers to and incentive programs to promote reclaimed water use.

Chapter 3:

**Comment:** In regard to the key messages in the executive summary, I think that the recommended \$50 million should say “per biennium” to emphasize that a one time sum will not be sufficient.

**Q:** How was the \$50 million recommendation derived?

**A:** Dan Filip explained that Gary Chandler proposed \$25-75 million at the initial funding subtask force meeting in August. The \$50 million was derived as the median number. There was no objection by the group. The group determined that the number was a substantive fraction of project costs and would need phased increases.

Chapter 4: No questions.

Chapter 5:

**Comment:** The key messages are missing information. Ecology should add that staff reviewed 32 plans.

Chapter 6:

**Q:** What is the relationship of the Growth Management Act (GMA) with reclaimed water? What are the concerns or issues involved?

**A:** Melissa explained there are a number of items in the reclaimed water statute that coordinate with provisions of the GMA. Ecology and the Rule Advisory Committee want to make sure we understand the issues and the overlap between the two statutes. Ecology is working with the Attorney General’s Office for recommendations on approaches.

Kathy explained how the planning requirements in RCW 90.46.120 are expanded to include water supply and water system plans involving watershed and land use planning.

Chapter 7:

**Q:** Is the report that the Water Rights Advisory Committee developed included as an addendum to the main report? Is it the same one that the committee had the opportunity to comment on?

**A:** Lynn responded that Chapter 7 *is* the report that the committee helped to develop.

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### Chapter 8:

**Comment:** I want to be sure that there is a clear distinction that greywater is not reclaimed water. There tends to be confusion that they are the same. Be sure that it is flagged as a separate type of water.

**Comment:** Be sure the bullets of the executive summary state that Ecology and DOH are working on the permitting system with the Rule Advisory Committee rather than just between agencies.

### Chapter 9:

**Q:** When is the draft offer date for the funding award?

**A:** Dan responded–The letter will be sent by December 14, 2007.

**Q:** How many projects were selected for the \$5.4 million?

**A:** Three to six projects for feasibility and an additional six for design/construct projects.

**Comment:** Spokane County is appreciative of the second point of the key messages stating that there is a serious need for reclaimed water funding outside of the Puget Sound area.

### Chapter 10: No questions.

### Overall Questions/Comments:

**Comment:** Chris McCabe (AWB) wanted to thank Kathy Cupps, Melissa McEachron, and all Ecology staff for putting together this report and for the work on the rule. Ecology has been fair its approach and we appreciate how our input has been included through-out the process. It was a very tall order from the legislature.

**Q:** Is Ecology going to provide an opportunity for comment letters to be included in the report as an addendum?

**A:** Yes. Letters or comments may be sent to Eugene Radcliff by close of business December 14. They will be included in the appendix unchanged. Adobe PDF versions are preferred.

### *Wrap-up*

#### Next meeting dates:

- January 22, 2008 for Removing Barriers Subtask Force–Ecology Building, Lacey
- January 23, 2008 for Rule Advisory Committee–Ecology Building, Lacey