Reclaimed Water Use Rule Advisory Committee

Department of Ecology Lacey, WA

Meeting Notes for December 2, 2009

9:15-3:15 P.M.

Attendees

RAC Members and Alternates

Don Perry, Lakehaven Utility District
Bill Peacock, City of Spokane
Karla Fowler, LOTT Alliance
Allen deSteiguer, PNCWA
Bruce Rawls, Spokane County
Clint Perry, Evergreen Valley Utilities
Donna Buxton, City of Olympia, Tumwater
Walt Canter, WA Water and Sewer District Association
Hal Schlomann, WA Water and Sewer District Association
Tim Wilson, City of Tumwater
Susan Kaufman-Una, King County (Phone)
Dave Monthie, King County (Phone)
Heather Trim, People for Puget Sound (Videoconference)

DOH

Craig Riley, DOH / OSWP

Ecology

Kathleen Emmett
Tim Gaffney
Jim McCauley
Katharine Cupps (Phone)
Lanessa Inman
Lynn Coleman

Public

Marc Horton, Skillings Connelly

Introductions and Agenda

- Reviewed previous meeting summary
- Rule – Part I Section 040, Definitions
- Subcommittee Reports and Updates: Trace Organics, Water Rights

Brief Update: Comments have been received from King Co. (Edits for terms and definitions), and additional input is welcome as the rule is streamlined.

Section 040 - Definitions

Spreadsheet 1:

The group reviewed:

"*Planned Groundwater Recharge Project*" "*Plans and specifications*": No comments or changes.

"*Potable Ground Water*": A question was raised regarding what defines the classification process. **Action item – Ecy will research this and resolve the issue.**

"*Permittee*": Grammatical change was made to the first sentence.

"*Potable*": Question / clarification – Does language mean water that DOH approves drinkable <u>with or without</u> treatment? **Action item: DOH research and answer this question.**

"*Power Source*": RAC members raised the question of whether this term is valid, and how is power sources defined (steam or electrical?) What source of energy is defined as the back-up source? Should it be in rule, or guidance? The group agreed to vote and majority of RAC voted it should go into the Guidance Section. The question was also raised: Should definition be changed, and would this create inconsistency w/ other WAC references?

"*Primary contact recreation*": No changes or comments.

"*Public water system*": No changes or comments.

"*Recharge Area*": RAC members agreed this should go into Guidance, if at all.

"*Reclaimed water*": Defined in statute that was recently passed so will stay the same.

"Reclamation Plant": RAC discussed whether "Reclaimed Water Plant" should be added to be inclusive of plants that use that term. Or should rule language be re-worded to define facility use that qualifies it to fall under this term? **Action Item: Group agreed to research and review how this is used in the context of the rule, to provide consistent terminology.**

Satellite system question- Need to research if a satellite system needs a permit (WC).

"Recycling": This term is not in the rule and RAC agreed it should be removed.

"*Regional water supply plan*": Agreement reached to leave it as is.

"*Reverse Osmosis*": RAC agreed this should be moved to Guidance.

"*Restricted Recreational Impoundment*": This term is not in the rule and RAC agreed it should be removed.

"*Reliability*": RAC members asked if and how this should be defined. Should reliability define safety, operational usability, or treatment ability? **Action Item: Ecy will research how this term is used throughout the rule.** Agreement reached to remove "treatment".

"*Reliability Assessment*": RAC members asked if there is an existing definition for reclamation facility. Possibly place sentence in Guidance? "The assessment should review and detail: operating standards, maintainability, critical operating conditions, spare parts requirements and availability, and any other issues that affect the reliability or the treatment performance of the reclamation facility." was moved into Submittals.

"*Retail water supply service area*": No comments or changes made.

"*Saturated Zone*": This term is not in the rule and RAC agreed it should be removed.

"*Secondary contact recreation*": RAC members asked if this should be in the rule? **Action Item: This was tabled until Ecy further researches definitions in the WAC. Do we need a definition for Primary?**

"*Secondary Sedimentation*": RAC suggested removing this.

"*Short-Term Storage or Disposal"* **Action Item – Ecy will research if this is in the rule, or if it should be removed from definitions.**

"*Significant Risk":* No comments or changes.

"Spray Irrigation": RAC members asked: Do we need to specifically define exactly how spraying takes place to be inclusive of future possibilities? **Action Item: Dept. of Ag. will define. (AW)**

"*Standby Chlorinator*": RAC suggested removing this.

"*Standby Power Source*" "*Standby Replacement Equipment*" "*Standby Unit Process*": Members decided to move these to Guidance.

"*State drinking water contaminant criteria*": No comments or changes.

"*Streamflow augmentation or surface water augmentation*": No comments or changes.

"*Surface Irrigation*": May need more specific definition. **Action item: Ecy / DOH check with Dept. of Ag. to clarify specificity and also check the irrigation section (sub-surface irrigation?)**

"*Surface percolation*": Already in statute, so will remain unchanged.

"*Total Organic Carbon (TOC)":* No comments or changes.

"Total Suspended Solids (TSS)": No comments or changes.

"*Underground Source of Drinking Water (USDW)":* Not in the rule so agreement was reached to remove.

"*Unit Process*": No comments or changes.

"*Use Area*": RAC suggested removing "and permitted by the lead agency".

"*User*": No comments or changes.

"*Vadose zone (or unsaturated zone) percolation*": Definition previously reached in combination of Ecy and DOH. May need clarity on what it is excluding. Added a comma after "tension saturation".

"*Water Right Impairment*": No comments or changes.

"Water *system plan*" Possibly just reference WAC. **Action item: Ecy to follow up.**

"*Water of the State or State Waters*": Agreement made to reference WAC or Water Code. **Action item – check with irrigation group & WAC. (JM)**

"*Water of the United States*" EPA definition. **Action item: Ecy will verify that this matches EPA language. If it is not used in rule, this will be deleted. (JM)**

"*Wastewater*" No changes.

"*Wastewater facility plan*" No changes. Q: raised: If it isn't defined in a WAC currently, what is the reason for placing this in the rule? Does this need to be in the rule, or continue implementing in current guidance?

"*Wastewater Treatment Facility*" Some facilities may have name discrepancies, <u>and</u> there is no clarification that it is being treated, <u>just received</u>. **Action item: Ecy will revisit this or possibly eliminate the term.**

"*Wetland or wetlands*" No changes; already in statute.

"*Wetland Enhancement*" **<u>Action item: Ecy will verify this is consistent with other references and definitions.</u>**

"*Wetland Restoration*"

Spreadsheet # 3:

These terms are not currently in the rule, and decisions need to be made as to what should or shouldn't be kept:

Beneficial uses direct groundwater recharge
Biological treatment
Coagulated wastewater
Controlled use
*Critical water supply service area
Direct (groundwater) recharge facilities

Disinfected wastewater
Drainfield
Filtered wastewater
Incidental ingestion
Landscape impoundment
Land treatment system
Long term storage disposal
Multiple point chlorination
Multiple units
Nonpotable ground water
Nonrestricted recreational impoundment
Recharge area
Restricted recreational impoundment
*Retail water supply service area
Saturation zone
Secondary sedimentation
Short-term storage or disposal
Standby chlorinator
Standby unit process
Underground source of drinking water (USDW)

* Questions were raised of whether these should be in the rule (municipal court). Possibly address these under Reclaimed Water Plant? See if there is a place in the rule where these would be appropriate. (See Jim & Kathy's notes)

Other than those two above mentioned items, these items will be removed unless words are added to the rule as it is revised.

Sheet # 2:

The group discussed Definitions in "**Building the New Reclaimed Water WAC**

Alphabetized proposed additions to the Definitions

For Rule Advisory Committee use only DRAFT"

"Agricultural irrigation" No changes.

"Beneficial purpose or beneficial use" This definition is identical to RCW 90.54, but it may need to have a sentence added *to* clarify that the beneficial uses in RCW 90.46 are included. There are specific beneficial uses listed in 90.46, and we need to ensure there are no conflicts between the two statutes. **Action item: ECY will discuss if rule should cite one or both statutes. Group recommends citing both.**

"*C*" Removed 'the' and changed to 'a'.

"Challenge Study Protocol" Q: should 'adaption' read 'adoption'? Also, should we cite the adoption date of where the definition came from in case of future changes? Should we create our own protocol and revise the current language using only portions of the CA regulation? DOH may look into this further. Concerns were raised about referencing standards of another state. Other states have duplicated standards, as to not reinvent the wheel. We may need to beware of challenge study definition protocol used in other states. **Action item: research the cited article further.**

"Commercial and industrial uses " **Action item: Don will send his thoughts and concerns regarding this definition.**

"*Critical water supply service area*" No discussion needed.

"CT" No changes.

"Detectable chlorine residual" Q: Is this consistent with the federal definition? The numbers were added to define what is detectable. Should we define that this reference only applies to reclaimed water, for the purposes of this chapter? Define as minimum residual required instead of as detectable. The definition may be deleted.

"Direct use" Derived from the earlier (now deleted) statutory definition 'beneficial use'. Paired with definition of indirect use.

"Distributor" Space typo in engaged fixed. No other changes made.

"Facility" Group discussed combining this definition with facility / plant / reclaimed water.

"Generator" need to clarify if this conflicts what a 'producer' is, and how the term is used in other sentences (electrical generator). **Ecy will define use of this term.**

"Indirect use" - See direct use.

"Landscape irrigation" May need to define what landscape includes, possibly take out crops, or define non-food crops. Are we trying to differentiate between commercial and private landscape?

"Master generator" Review along with "Generator".

Review of the additions definitions ended here.

Will revisit the final additions later. Group agreed to send in further comments and recommendations.

Subcommittee Report

- Trace organics Recommendations given by Jim McCauley. "**CONCLUSIONS AND RECOMMENDATIONS OF THE TRACE ORGANICS SUBCOMMITTEE"**

Conclusions: At this time:

1. We acknowledge that there is an important need to address the many questions, concerns, and unknowns regarding the potential risks of trace organic compounds (TOrCs)[1] introduced into our environment.

Q: Do micro constituents include nano-particles? Most nano-particles are inorganic (silver, etc.) May need to use a different term? Personal care products sometimes contain nano-particles, so we may need to redefine the term. "Contaminants of emerging concern" raised concerns in the group as to the brevity and definition of how vastly this may be interpreted.

The group decided to focus on the recommendations and later come back to the conclusions of the subcommittee meeting summary.

Recommendations – the group mostly agreed with the recommendations, and there was discussion on if and how the recommendations should affect the rule. While the recommendations are of value, decisions need to be made on whether the rule is an

appropriate vehicle to provide the information and messaging. If there is monitoring, what is the purpose; what is done with the data, what are the ramifications, etc.?

A comment was made that reports from other states or sources should be peer reviewed prior to their consideration for rule or permitting modifications.

Action item: The group agreed that generic language could be developed that will allow for future water quality monitoring conditions to be added to permits. ECY will research language from Oregon that was used in this manner. This language will be sent out for review. (JM)

Subcommittee Report

Water Rights update by Lynn Coleman

House Agriculture and Natural Resources (AGNR) committee workshop on reclaimed water and water rights impairment- December 4th. May be televised, Lynn will provide further information.

Report to the legislature on reclaimed water and water rights impairment is still at OFM for review and decision.

Water Rights Impairment rule section: Language on the handout will be folded into the rule. This is the first circulated draft, and tomorrow the RW-WRAC will take a great deal of time reviewing it. It is also going through internal review at Ecology. Comments and participation are welcome.

Ecology staff started through the sections on Purpose and Applicability.

Lynn stated that agreement has not been reached as to whether septic systems should be included in the rule.

Q: Where is the line between DOH and Ecy regulation abilities over septic systems and large on-site systems? Should there be a de-minimis clause? Should that be in the rule (exemption); or guidance?

Concerns were raised regarding septic systems attempting to connect with a treatment facility. There is a grey area regarding the amount of septic systems to regulate in this regard. Where do you draw the line? Lynn asked for input from the group regarding how to reach this decision. Discussion will be continued in the sub-committee and with the RAC group.

A concern was raised about a situation where Ecology has determined that a discharge from a reclaimed water facility to surface water is a “new” discharge. It will result in water quality discharge requirements that are different than an “existing” discharge. That same discharge would be considered an “existing” discharge to ground water from a water rights standpoint. It would have to complete an impairment assessment. The concern was that is unfair to designate the discharge in two different ways.

Kathleen:

Please review the Topics of Interest (document 2).

Next meeting is December 16, 2009. A key topic for this meeting will be discussion of the proposed rule Part VI, Section 800 – Groundwater Recharge.

Ecology is planning to schedule a meeting for Jan 27th or Feb 3rd 2010. Tim will send a message regarding possibly changing these dates due to videoconferencing conflicts.

Meeting Adjourned at 3:20 P.M.