

Removing Barriers Rule SubTask Force

Aug. 8, 2007 1:00 – 4:00

Lacey, Washington

Revised Meeting Summary

Attendees

Lars Hendron, City of Spokane
Walt Canter, Washington Association of Sewer and Water Districts.
Jim Rioux, City of Olympia
Clint Perry, Evergreen Valley Utilities
Sarah Mack, WA Water Policy Alliance
Bill Clarke, Association of Washington Businesses and WWGSCA
Peggy Leonard, King County
Dave Lenning, Dept. of Health

Ecology

Melissa McEachron, SubTask Force Chair
Resources to Committee:

- Katharine Cupps, Ecology Reclaimed Water Lead
- Lynn Coleman, Ecology Water Resources Program
- Nancy Winters, Ecology Water Quality Program

Guests

Douglas Raines, Department of Corrections (Rule Advisory Committee Member)

Ecology Action Items

- Melissa will check into “net meeting” possibilities for subtask force meetings.
- Ecology and Health will describe staffing roles and responsibilities.
- Ecology will provide an update on needs analysis for project planning.
- Rule Advisory Committee will provide direction to the subtask force.

SubTask Force Action Items

- The committees agreed to develop a top 5 priority list at the next meeting.
- Members will review the information in Ecology’s 2003 planning report.
<http://www.ecy.wa.gov/biblio/0310061.html>
- Members will focus on assigned tasks.

Task 1– Purpose of the Removing Barriers Sub-Task Force

- a. E2SSB 6117 Objectives
 - Deadlines – draft for report by October 19, 2007
 - Expectations – subtask force will continue work through December 2008.
 - Assignments from the rule advisory committee (RAC)
 - Staffing levels, roles and responsibilities of the Depts. Of Health and Ecology.
 - Organizational structure

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- Unresolved legal issues
 - Name for reclaimed water.
- b. Environmental Law Institute Project\Resource to subtask force.
- Look at both eastern and western states
 - Is there forecast information? What other states did not look at?
 - New technology
 - Timeline –planning horizon to promote in the state (i.e. 57 yr Horizon)
 - Other areas of Interest
 - Liability and indemnification – Jay Austin is researching.
 - Do other states have a Growth Management Act?
 - How were incentives paid for and by whom?
- c. General Discussion – Other topics of interest
- Public involvement, state roles and responsibilities.
 - Communicating reclaimed water, water and wastewater relationships.
 - Public acceptance.
 - Cost – articulating the need for reclaimed water
 - Institutional barriers for both producers and distributors.
 - Look at the model a bit harder - system focus
 - May need more than one set of rules – it probably doesn't fit all the circumstances.
 - Technical standards – soils, blending with other water, new vs. retrofit systems.
 - Traditional water rights.

Kathy noted that all of these are important tasks. This subtask force needs to focus on their assigned tasks and how the tasks relate to the role of state government. The RAC will address technical standards, the water rights committee – water rights issues, and the funding committee – funding issues.

Task 2 –Identify key issues and questions for each objective or topic.

The members agreed to create a list of potential agenda topics for upcoming meetings, along with questions for each assigned topic.

1. Issues Assigned by the Rule Advisory Committee
 - No current assignments.
 - Will prioritize as they appear.
2. Staffing levels, resources, and roles within both state agencies
 - A stable workforce requires adequate funding. What fees are needed?
 - Short and longer term organization.
 - a. Cross-training. In short term? beyond?
 - b. Permanent expert for reclaimed water program
 - Projected work-load. # of potential projects?

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- Operator certification program
3. Optimizing organizational structure (ECY and DOH)
The subcommittee asked if this referred to the state agencies or the utility organizational structure. They thought the legislative language unclear. Melissa restated that the focus is the state level. The task is to recommend an ideal organizational structure to encourage reclaimed water in Washington State.

Suggestions included:

- Permitting functions
 - Funding
 - Streamlined ESA- Section 7
 - Operator certification at Ecology, Health or both?
4. Unresolved Legal Issues
Suggestions included:
- Clarify liability for the use of reclaimed water to the wholesaler, retailer, end user, regulatory agencies and to the operators.
 - Water right impairment - another committee is looking at this.
 - Lack of enforcement – taking water without the water right
 - Use of condemnation
 - Meet standards=entitled to use?
 - Mixing reclaimed water with rivers/aquifers
 - Is RW facility subject to AKART?
 - Relationship of Chapter 90.48 RCW to Chapter 90.46 RCW and to AKART
 - Relationship of RW use and typical wastewater to Growth Management Act.
 - Land use barriers (look at category and title)
 - Who “owns” the water in the aquifer when-
 - Aquifer recharge option used? At the point of withdrawal?
 - Does RCW 90.46.120 resolve the issue?
5. More appropriate name to describe reclaimed water.
- # of names considered
 - Rule advisory committee also suggesting names.
 - At this time...

Task 3 –How should we prioritize the work? Which items should we focus on for the report for this year?

The subtask force agreed to set agendas and topic research needs for upcoming meetings. They proposed the following method to prioritize the work:

- Status of each item
 - Timeframe
 - Objective
 - “Game Plan”
1. Topics for the 1st Report to the Legislature

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- Section (a)=Assigned by the Rule Advisory Committee
- Section (e)=Name exercise.
- For all other sections- outline where this group is going.

For the next meeting:

1. The committees agreed to develop a top 5 priority list.
2. Members will review the information in Ecology's 2003 planning report.
<http://www.ecy.wa.gov/biblio/0310061.html>
3. Ecology and Health will describe staffing roles and responsibilities.
4. Ecology will provide an update on needs analysis for project planning.

Audience Comments

None

Adjourn - 4:00 pm

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