

**Reclaimed Water Rule Making Committee Meeting
June 3, 2009
9:30 AM to 3:00 PM**

- Welcome and introductions
- Meeting purpose and agenda
- Rule – Part I General
- Rule – Part III Permits (types, permittee, signatures)
- Rule – Part IV Adequate and Reliable Treatment (ART)
- Rule – Part III Permits (public process)
- Rule – Part VII New Section (Compliance and Enforcement)
- Rule – Part V Storage, Distribution and Use (General Requirements)
- Rule – Water Rights Issues
- Rule – Planned Future Agenda Topics and Schedule
- Misc. updates from Audience, Wrap up and Closure

Meeting Attendees

Committee Members and Alternates	Ecology Staff
Bruce Rawls Spokane County	Katharine Cupps (Phone)
Frank Needham, City of Sequim	Tim Gaffney
Bill Peacock, City of Spokane	Lynn Coleman
Tim Wilson, City of Tumwater	Kathleen Emmett, Notes
Walt Canter, WASWD	Bill Hashim, Facilitator
Doug Raines, WA Dept. of Corrections	Jim McCauley
Don Perry, Lakehaven Utility District	
Clint Perry, Evergreen Valley Utilities	Department of Health Staff
Susan Kaufman-Una, King County	Craig Riley
Hal Schlomann WA Assn S & W Dists.	Denise Lahmann
Karla Fowler, LOTT Alliance	
Allen de Steiguer, PNCWA	Guests
John Kounts WA PUD (Video)	None

Action Item Summary:

Ecology Action Items – June 2009:

- Review RAC input and finalize content for draft rule sections:
 - Part I
 - First half of Part III (permit application and signatures)
 - Part IV

- Post on website.
- Provide work plan and schedule for draft rule.
- Prepare for June 24 RAC meeting.
- Water rights issues committee meets June 4 and June 25.
- Subcommittee on trace organics issue meets June 29, 2009.
- Coordinate with DOH on language for 050.

RAC Action Items – June 2009.

- Read new sections briefly introduced at June 3 meeting.
 - Second half of Part III (except for permit conditions)
 - Part V
 - Part VII.
- Submit preliminary comments on these sections to Ecology by June 10, 2009.
- Come prepared June 24, 2009 to make recommendations for draft rule on these sections.

Welcome and Introductions

Tim Gaffney, Washington Department of Ecology, (Ecology) welcomed members of the Rule Advisory Committee (RAC) and Bill Hashim made introductions and asked for comments and additions to the agenda. None made. Tim went over the handouts for today's meeting.

Bill Hashim asked for updates: Frank Needham gave an update for Sequim. Bill Peacock mentioned expansion of reclaimed water uses on a City of Spokane golf course proposal. Bruce Rawls noted Spokane County has ground breaking ceremony for their new facility tomorrow.

Meeting purpose and agenda

Tim reviewed the agenda, stated the meeting goals. Numbering of sections in rule will be revised. Meeting notes from last meeting approved. Meeting notes will be less general and in bulleted format.

Rule – Part I General Information Version 1.1

(010) Authority and Purpose

RAC Member Suggestion:

- Should language be added here to address pre-existing reclaimed water facilities?

RAC Member Agreements:

- Health and safety is not exclusive to citizens. Remove language “of WA citizens”
- Use consistent terminology (i.e. use either water quality or environmental water quality)

Ecology Action Items:

- Pre-existing facility requirements will be addressed in other sections of the rule.
- Make terminology consistent throughout the document.
- Remove language that references “of WA Citizens”

(020) Applicability:

RAC member suggestions:

- Uses and applicability. 2A – Expand use of reclaimed water to all treatment plant purposes, such as pump stations and other facilities under the direct control of the operator in charge of the treatment facility.
- Add 2B citing the use of wastewater effluent for treatment plant purposes is exempt from this rule (cite appropriate wastewater WAC)

Ecology Action Items:

- Look into this revision for 2A. No consensus was reached.

(030) Scope:

No comments or suggestions.

(040) Definitions: Definitions will be discussed at later meeting. Additional recommended definitions are being flagged and recorded for later use.

(050) Division of Responsibilities between Ecology and Health:

RAC member suggestions:

- Clarify that both the lead agency and non lead agencies get copies of proposals.
- Legal question. Do both agencies have all of the authority to carry out the provisions of the chapter? Suggestion: Reword “unless otherwise stated in this rule” both agencies have authority to implement this rule (also 2B). Suggestion: Agencies shall coordinate the review, etc.
- 5b (i) – add language stating “where determined feasible by water system policy makers.”
(iii) – protection of potable systems. Is the word “reclaimed” supposed to be in front of water supply? Or is this *any* water supply.

Ecology Action Items:

- Determine when both agencies have the authority to carry out provisions of the rule.
- Consider comments on 2b and 5 b.
- Coordinate with DOH. DOH stated it will take a week to look at this language.

(060) Requirements for a person who generates reclaimed water:

RAC member suggestions:

- Is a comprehensive plan required by the utility? Ecology will address this in submittal requirements at next meeting.
- Should we use the term “ permittee”, “generator” or “applicant”? Use generator but define it. Permittee is responsible not the generator. Permittee already defined. Use same term throughout the section.

RAC Member Agreements:

- Support Ecology moving decision to move public and private entity language 2(a) and 2(b) to Part III – Permits.
- Define the terms “permittee” and “generator” and be consistent in rule language.

Ecology Action Items:

- Discuss comprehensive plan at June 24, 2009 meeting with Part II- Submittals (Planning and Engineering Review).
- Consider using the term “generator” throughout the section, but define the term.

(070) Requirements for a person who distributes or transports reclaimed water:

No comments or suggestions.

(080) Requirements for a person who uses reclaimed water:

RAC member suggestions:

- 2. Minor edit – Change “inherent to the use of reclaimed water” to say: “inherent to **their** use of reclaimed water”.

Ecology Action Items:

- Consider intent - minor edit on 080 (“the” to “their”). Make change, as appropriate.

Rule – Part III Permits (types, permittee, signatures)

(200) Types of permits issued under this chapter:

RAC member suggestions:

- Minor edit – The number “1” is missing.
- What is an “**authorized**” private utility? One who has done a comprehensive plan? We don’t want to limit who can apply for a permit.
- The term “master generator” needs definition.

Ecology Action Items:

- Make edits as appropriate.
- Add term “master generator” to definitions list or define in text of rule.
- Consider intent of the use of the term “authorized” for a private entity and the suggested language for meeting viability requirements.

(205) Permittee:

RAC member suggestions:

- Under heading the lead agency shall (may) issue permit, use the word “for” instead of “to”.

Ecology Action Items:

- Incorporate private entity viability requirements into this section or consider under submittals.

(210) Application for a Reclaimed Water Permit:

RAC member suggestions:

- Using the term “individual” with “master generator” is confusing and may not be needed.
- Under 1. (a), replace the word “department” with “lead agency.”
- Under 1. (e), does the term “unexpired” have the same meaning as the term “active”? Be consistent.
- Under 2. What is the intent of stating that a new or complex permit may need to be submitted earlier? What is meant by the term ‘complex’? Could this requirement be in the permit rather than the rule?
- Same comment as for 020. Be clear on the intent as to an exemption from permit or standards for operational uses at the treatment facility, pump stations, etc.
- Questions on 3. (c) and (d). When would these conditions exist?

Ecology Action Items:

- Clarify the difference between requirements for a **new** permit and the **renewal** of an existing permit.
- Clarify intent of 210 (3)(c) and (d). Consider whether they are necessary in the rule.

(215) Application for coverage under a reclaimed water general permit:

RAC member suggestions:

- (2)Minor edit – Add the word “is” in the phrase “permit **is** satisfied”

Ecology Action Items:

- Consider minor edit. Make change as applicable.

(220) Signature requirements:

RAC member suggestions:

- Add term or “or designee.”

Ecology Action Items:

- Consider change. Clarify intent of signatory authority.

Rule – Part IV Adequate and Reliable Treatment (ART)

(300) Requirements for adequate and reliable treatment:

RAC member suggestions:

- When did Ecology decide to go from four to two classes, A and B (B was formerly C)? Ecology proposed at April 2009 RAC meeting and decision should be made today.
- 2b – Should the term “the departments” be “lead agency?”
- Does the phrase “and other contaminants” in 2.(b) open the door to reduction of contaminants that may not need to be reduced? The intent is to protect uses, and demonstrate equivalent processes via pilot testing..
- Maybe require a pilot study to demonstrate equivalency. Or delete “essentially free of...” and add “adequate and appropriate for the intended use (or quality)” 300 2 (b) Restructure the last sentence to say, “demonstrate that the alternative method is adequate, and appropriate for the use.”
- Alternative methods need to be tied to the quality or uses. Need to be essentially free of viable pathogens.

RAC member agreements:

- OK to go to two Classes, A and B.

Ecology Action Items:

- Review comments and clarify intent of this section.
- Check consistency of using the term “lead agency” instead of “departments” in most instances.

(310) Source control and pretreatment requirements:

RAC member suggestions:

- Is the term “ significant industrial user” defined? Yes, it is defined in federal law (CWA).
- How Ecology will regulate trace organics will be discussed in a subcommittee.
- Should Ecology require “pretreatment” Is this overreaching? Could we just reference other applicable laws and regulations?
- Ecology should not write this rule ahead of the science for trace organics. Those contaminants are dealt with in WWTP processes.
- This rule should not be more restrictive than regulations for wastewater treatment plants.
- Current practices for reclaimed water are the same as for other wastewater treatment.
- 3. Should Ecology require industrial surveys of what is being treated now for small systems below the federal threshold
- 3. Should this section be qualified depending on the intended uses?
- Could section 3. language be in guidance?

Ecology Action Items:

- Review comments, clarify intent of section and basis for decisions.
- Decide which aspects of uses belong in rule and which belong in guidance.

(320) Class A reclaimed water treatment and monitoring:

RAC member suggestions:

- What is higher than Class A? This is special purpose, sometimes called ‘designer’ water.
- Could designer types be put in guidance rather than rule?

- Why are there two different types of class A (conventional and membrane filtration)? This needs to be explained.
- When does quality define the class, not the treatment technology? Is this fair? If it's a treatment train other than traditional then it has to meet...x level of water quality.
- Will credit be given for UV? A guidance document needs to be written to help with this.
- Virus section, what is "challenge study protocol?" This is standard technical jargon and means challenging the treatment unit with a pathogen to see how well it is removed. The term originated from the medical and health risk assessments. Are we ahead of the curve to address viruses?
- TAP recommended we address viruses to be protective. Is this reasonable? These limits can be met with standard disinfection practices and some filtration practices.

RAC member agreements:

- Use terms "Class A and Class B" rather than the terms "unrestricted human contact water" and "restricted human contact water".
- Accept TAP recommended performance standards for membrane filtration treatment techniques
- Accept TAP recommendation to address log virus removal in the rule.

Ecology Action Items:

- Review comments, implement agreements, clarify intent of section.
- Define challenge study and/or challenge study protocol.

(325) Class B reclaimed water treatment and monitoring:

RAC member suggestions:

- Content of section has not changed from April. How many class C and D facilities do we have now? One or two. Most are A, one has the flexibility to be A or C (which will now be called Class B).

RAC member agreements:

- Two classes acceptable

(330) Use-based treatment requirements:

No comments or suggestions.

(340) Treatment process disinfection:

RAC member suggestions:

- Approved by "departments" or "lead agency"?
- Clarifications need to be made on point of compliance.
- The terms C, CT and T need to be defined. If CT is outside of the anticipated range or assumptions should be addressed in guidance.
- Does this apply to both Class A and B. Tie in with temperature and pH. Monitoring needs to be done, this determination made in guidance.
- Are we consistent with the Orange Book for disinfection?

RAC member agreements:

- Accept concept of no minimum concentration or contact time, but specific product of C x T
- Accept 30 min x mg/L for Class A, and 20 min x mg/L for Class B.
- Tie CT requirements to pH and temperature.
- Address details in guidance criteria.

Ecology Action Items:

- Review comments and edit as applicable.
- Define C, CT and T in this section or in list of definitions.
- Decide how much should be in rule and what in guidance.
- Adjust pH & Temperature considerations & disinfection possibilities (details in guidance)

(350) Treatment facility reliability:

RAC member suggestions:

- Difference between short and long term retention may need to be clarified. Water distribution retention needs different than wastewater needs.
- Change the word “proves” in 3 to “demonstrates.”
- Page 11, retention requirements should be under guidance. Not have a minimum or maximum retention but an adequate sizing.
- Fiscal reserves for operational repairs may be a concern, as well as long term retention capacities.

RAC member agreements:

- Difference between short and long-term retention may need to be clarified.

Ecology Action Items:

- Decide how to address required retention times.
- Decide whether the rule should establish a minimum requirement or if it is sufficient to require ‘adequate sizing’ and address what that means within the guidance criteria.

(360) Operational reliability:

No comments or suggestions.

(370) Sampling and analysis reliability:

RAC member suggestions:

- This should be risk based and reduced or increase in some cases upon request. Burden of testing is usually higher for smaller facilities.
- Add this for both Class-based monitoring and Use-based monitoring
- Take out “additional” in last sentence of 1. to read “sampling parameters rather than ‘additional sampling parameters’ 3 should reference Ecology accredited laboratories.

RAC member agreements:

- Allow Permittee to request a reduction in monitoring requirements at the lead agency’s discretion.

Ecology Action Items:

- Address flexibility in monitoring schedules.
- Consider intent and whether to remove or to clarify the term “additional” sampling parameters.
- State that the requirement is to use Ecology accredited laboratories and reference that rule.

Rule – Part III Permits (public process)

Kathy Cupps briefly introduced 240, 260, 270, 275 – the process for public notice and comments. This section will be discussed at the June 24, 2009 meeting.

Preliminary comments to Tim by June 10.

Rule – Part VII New Section (Compliance and Enforcement) and Rule – Part V Storage, Distribution and Use (General Requirements)

These sections will be discussed at the June 24, 2009 meeting.

Preliminary comments to Tim by June 10.

Rule – Water Rights Issues

Lynn Coleman noted that there is a legislative mandate for recommendation to the legislature by November 2009.

The RAC should talk about the process early enough so that it doesn’t hold up the permitting.

RAC member suggestions:

A balance is needed.

Rule – Planned Future Agenda Topics and Schedule

- Ecology will send a work plan and schedule for the draft rule.
- Ecology will consider suggestions for telephone or net meetings and weigh the convenience, cost and potential for technical glitches.

Misc. updates from Audience, Wrap up and Closure

- Ecology formed a subcommittee (RAC request) on the trace organics issue. The subcommittee will meet at Ecology June 29th at 1pm.
- The National Water Reuse Symposium is in Seattle in September 2009. Jim McCauley is a speaker and prepared a paper on our rule development process for the submittal deadline of June 12, 2009. The draft paper is available for review. DOH requested to be part of the review and possibly authoring of the document for the symposium.