

Reclaimed Water Use Rule Advisory Committee
Department of Ecology Lacey, WA
9:15-3:15am
October 28, 2009

Meeting Notes

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
Dave Monthie, King County (conference call)
Walt Canter, WA Water and Sewer District Association
Susan Kaufman-Una King County (conference call-NW)
Heather Trim, PPS (video-NW)
Donna Buxton, City of Olympia, Tumwater
Doug Raines, Department of Corrections

DOH

Stewart Glasoe
Craig Riley
Lilia Lopez

Ecology

Katharine Cupps (conference call)
Lynn Coleman
Kathleen Emmett
Jim McCauley
Tim Gaffney
Alex Calender, SEA

Public:

Dennis Burke, private citizen

Introductions and Agenda

- Rule – Part VI, Section 500, 520, 530, 540, 600 and 700
- Rule – Definitions
- Committee Updates – trace organics – water rights
- Greywater Report from DOH

Section 500 Commercial and Industrial Community Uses

Ecology staff presented revised proposed draft rule language and took additional questions, suggestions and comments on Section 500.

- RAC members provided editorial suggestions on phrasing, punctuation, and grammar.
- Ecology clarified the following:
 - Undefined terms (restricted, limited, in-charge) refer to the common meaning.
 - The RAC is beginning work on definitions and may propose additional definitions.
 - Ecology is proposing to allow blending of reclaimed water with other water supplies prior to use.
 - Ecology is proposing to address water quantity issues consistent with statutory direction (Ch. 90.46 RCW).
- RAC members expressed:
 1. A variety of opinions on the appropriate level of detail for addressing exceptions or additional regulatory requirements for these uses.
 2. Interest in lead and nonlead agency roles and responsibilities.
 3. Concern that Table eliminates too much detail and needs additional clarity.
- Public question: What is included in the Class A standard?
- Ecology action items:
 1. Complete Section 500(4) Environmental WQ requirements.
 2. Provide references to information on Class A standard inquiry.
 3. Work with DOH to present lead and nonlead agency roles and responsibilities at a future meeting.
 4. Consider how best to address suggestions and comments Expressed interest in lead and nonlead agency roles (for discussion at a future meeting).

Sections 520, 530, and 540 Irrigation Uses

Ecology staff presented revised proposed draft rule language on irrigation use specific requirements to the RAC. This is now split into 3 sections (general, landscape irrigation and agricultural irrigation).

- RAC members provided editorial suggestions on phrasing, punctuation, and grammar.
 - Ecology summarized comments submitted by Department of Agriculture (WDOA) :
 1. Address the conflict between the need for leaching of soils as agricultural practice and the proposed definition of agronomic rate to not allow penetration of water past the root zone.
 2. Be more specific than the proposed phrase to “not create a nuisance.
1. RAC members expressed:
 1. General agreement with WDOA on need for Ecology to further consider “agronomic rate” to avoid unintended limitations on the usefulness of reclaimed water for irrigation.
 2. Strengthen environmental protection language to clearly state intent “to not violate groundwater quality standards” and “to not allow runoff”

2. Ecology and DOH staff answered public question on organisms regulated in Class A reclaimed water.

Section 600 – 660 Wetland Uses

This is the second RAC review of Section 600. This section is concurrently being reviewed by the SEA program for consistency with existing wetland regulations. Ecology's WQP invited Alex Calender from Ecology's Shorelines and Environmental Assistance (SEA) Program to answer wetland-related questions.

- RAC members suggested:
 1. Clarify what requirements or sections refer to restoring natural wetlands, enhancing natural wetlands and to recovery of damaged wetlands. Example: a drained wetland that has been used for agricultural purposes. If the area in question is not a wetland, it should not be subject to wetland regulations
 2. Clarify if the depressional wetlands referred to in Section 620 3. (c) refers to natural wetlands. This section is dedicated to uses in natural wetlands and this seems to apply to restored, not natural wetlands.
 3. Resolve the apparent inconsistency between 620 3. (b) and 620 1. (d) regarding the annual hydraulic loading of reclaimed water in Category 1 wetlands. The first reference says it's "not allowed" while the second says Ecology "may prohibit or stringently restrict" the use.
 4. Clarify when wetlands connect to groundwater or to surface water. Be clear as to which standards (groundwater or surface water quality) apply. Specify whether antidegradation requirements apply.
 5. Apply groundwater standards consistently in this rule.
- Ecology action items:
 1. Consider RAC comments and clarify intent where possible.
 2. Complete internal review for consistency with wetland regulations.

Section 700 Stream Flow and/or Surface Augmentation Uses

This is the second RAC review of proposed Section 700. Ecology asked for questions or comments on this section.

- Ecology noted that:
 1. The Clean Water Act regulates all discharges to surface waters including reclaimed water.
 2. The statutory reference for augmentation is Chapter 90.46.010 RCW.
 3. Ecology is proposing indirect use that allows the use of waters of the state to convey reclaimed water vs using purple pipe.
 4. Section 700 2. (b) intent is that if reclaimed water is going to be conveyed via waters of the state, it must meet at least Class B standards.

- RAC members suggested:
 1. Place general phrases like “To the extent allowable under state and federal law...” at the beginning of the rule in general language.
 2. Address surface water and ground water separately.
 3. Taking out reclaimed water that has been used to recharge an aquifer is different than using existing groundwater and they shouldn’t be used interchangeably.
 4. Consult the tribes regarding the use of reclaimed water in surface or ground waters.
 5. Consider additional streamlining for submittal requirements specific to indirect use.
 6. This is separate from augmentation and may belong in a different section of the rule.
 7. Make sure water right issues are appropriately addressed.
 8. Sec. 700 (3) first sentence needs revision, suggested additions: or indirect use project or for transport shall meet all applicable requirements...
 9. Sec. 700 (4) second sentence redundant, is a planning issue.

- Ecology action items:
 1. Consider RAC suggestions and clarify intent where possible.
 2. Continue to work on these sections of the rule.

Definitions

Ecology staff passed out several handouts on the definitions included in the rule. Some of the handouts had been updated since the meeting announcement with the attachments and Ecology will send the RAC copies of the updated handouts. Definitions not already in statute were suggested to be discussed first. Under discussion would be a determination if the definition needed more work. Ecology also asked for additions, if anyone had a term they thought needed to be included.

Comment. Do a word search and eliminate any term that is not used in the rule.

ECY Action Item: Combine all seven Parts of the rule and conduct the word search.

“Agronomic rate” needs work. These rates can vary. WSU extension has a definition that has more flexibility. Needs to generally state: “do not over apply”.

“AKART” is not defined in statute, but is used in 3 statutes: Chapters 98.48.010 RCW; 90.48.520 RCW; 90.52.040 RCW and 90.54.020 (3)(b) RCW, providing legislative intent. The state’s surface water quality standards, Chapter 173-201A WAC defines it as:

“AKART” is an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term "best management practices," typically applied to nonpoint source pollution controls is considered a subset of the AKART requirement.

“Alarm” needs work. Suggestion made to use the Orange Book (Criteria for Sewage Works Design) standard. We also need to review how or if it is used in this rule.

“Beneficial purpose or beneficial use” definition needs to include 90.46 RCW authorized uses.

“Approved use area” needs to be changed to “Use area”.

“Beneficial use wetlands” definition not found in statute. Beneficial uses of water bodies are protected by Chapter 90.48 RCW. Under the State Surface Water Quality Standards (Chapter 173-201A WAC), protected beneficial uses include fish and shellfish rearing; spawning and harvesting; swimming; boating; navigation; irrigation; wildlife habitat; and domestic, industrial, and agricultural water supply. “Beneficial uses” are defined in WAC 173-200-020. “Wetlands” are defined in WAC 173-201A and WAC 173-22-030.

Dave Monthie offered to send Ecology a legal reference to the “beneficial uses of wetlands.”
Comment: We don’t need all of these wetland definitions.

“Class A and B reclaimed waters” do not need to be in the definitions but could be listed with a reference to Part IV where they are defined in the rule.

“Coagulated wastewater” needs work. The definition seems circular with the term “Filtered wastewater” – look at these two terms together.

“Controlled use” check on deleting, especially if not used in rule.

“Contaminant” needs to be considered in contest of use. May delete.

“Direct (groundwater) recharge facilities” needs to be simplified to “facilities.”

“Food crops” looks okay.

“Discharge area” consider deleting.

“Disinfected wastewater” delete.

“Drainfield” check if in rule. Delete if not used.

“Net environmental benefit” needs to be defined.

“Ground water” defined in WAC 173-200-020 (12).

“Hydrologic regime” may delete, used in watershed regulations.

“Impoundment” may delete.

“Impairment” do not add?

“Landscape impoundment” keep definition.

“Land treatment system” may delete.

“Long-term storage or disposal” needs work. Consider putting in guidance if not needed for definition of “reliability”.

“Multiple point chlorination” put in guidance.

“Multiple unit” put in guidance.

“Natural wetland” ask Alex Calender for advise on this one.

“Non-potable groundwater” should be defined as “not suitable for drinking without further treatment.”

“Non restricted recreational impoundment” might need work.

Due to time constraints definitions review stopped after the term “peak hourly flow”.

ECY Action Item: Ecology staff agreed to get the revised list of definitions to the RAC in two weeks.

Updates

Jim McCauley, Ecology, reported that a Trace Organics subcommittee meeting has been scheduled for November 16 at Ecology Headquarters. The subcommittee is working on a recommendation for the RAC which will be in the form of a white paper.

Lilia Lopez, Department of Health presented an update of the greywater rule DOH is scheduled to adopt by December 2010. She presented a handout on the rule, reported on the two meetings they have had, and referenced a website and listserv for updates:

<http://www.doh.wa.gov/ehp/ts/WW/greywater/greywater-rac.htm>
<http://listserv.wa.gov/cgi-bin/wa?A0=WASTEWATER-GREYWATER>

For comments or questions call Lilia at 360-236-3071.

Lynn Coleman, Ecology, reported that she is working on a more refined version of the legislative report. The first draft had been out for review and she has incorporated appropriate comments. The second draft should be available to this committee by November 1. The updated version includes September 29 decisions by the joint program managements team from Water Quality Program and the Water Resources Program. Decisions include: recommending two statutory changes to address water right impairment, placing a definition of water right impairment in rule, and addressing all other water right issues through guidance.

Ecology staff noted that a discussion on the application of ground water standards is being prepared for the December 16th RAC.

It was suggested that an April meeting be scheduled for the RAC. A December 16th meeting will be added and the January 27th meeting will have to be rescheduled.

The RAC agreed that if visitors come to another RAC meeting they are to wait until the end of the meeting to speak.