

Section #	Sub	Who	Comment	Suggested Revisions
173-219-010	NA	King County	"predictable" - Ecology needs to address many of the comments provided here to be predictable for the permittee, not just for agency staff.	Need to add a duration to the water rights analysis review so permittees can predict their project schedule.
173-219-010	NA	King County	encourage reclaimed water was the direction from the legislature	need to make this rules less prescriptive
173-219-010		King County	Deleting language from previous versions re encouraging reclaimed water use implies that that is no longer an objective of either state agencies or the rules. As rewritten, it appears to say that the rule only contains technical standards. This revision misstates the statute, and could affect economic and least burdensome alternative analysis under the APA.	Use language suggested by King County.
173-219-010		King County	Why include the definition of wastewater here?	
173-219-010		King County	Suggested purpose section language: The purpose of this chapter is to provide standards for predictable and efficient processes that encourage the generation, distribution, and use of reclaimed water while protecting public health and the environment.	
173-219-010		LOTT	The current text seems to be written from a pure state regulatory perspective rather than from a perspective that considers reclaimed water generators and users. The intro sentence should focus on substance. The purpose should not be to "adopt a rule..." In addition, the text needs to encourage reclaimed water use while protecting public health and the environment. LOTT's mission statement might offer a good example of an approach that does both – Preserve and protect public health and the environment by cleaning and restoring water resources for our communities.	Delete the first sentence and substitute: "The purpose of this chapter is to provide consistent, predictable, and efficient technical standards, regulatory reviews and permitting processes that encourage production, distribution, and beneficial uses of reclaimed water while preserving and protecting public health and the environment." [The RW definition can still follow this.]
173-219-020		King County	219-020 was not physically separated from previous subsection	Reformat
173-219-020	(1) c	LOTT	We don't "reuse" greywater; we reuse the water that became greywater; we use the greywater.	Change "reuse" to "use"
173-219-040		King County	Master generator- change "his" to "one"	

173-219-040		King County	add net environmental benefit and have it apply to the entire set of rules not just wetlands	Net environmental benefits are the gains in environmental services, or other ecological properties attained by actions, minus the environmental injuries or impacts caused by those actions resulting in a net positive gain for the environment. Comparing and contrasting trade-offs of those actions and choosing outcomes that result in a positive benefit for the environment.
173-219-040		King County	wastewater facility plan	take this definition out. It confuses facility plan with engineering report.
173-219-040		King County	water right impairment- the current definition includes degradation of the water quality. Bill Peacock's comments about what does this mean, how do you prove it are all valid. Limit impairment to availability of water, not quality.	eliminate this definition, put in guidance. Why should the RW rule be the first to put it in rule?
173-219-040		King County	The County has comments and questions re multiple definitions, including Class A and Class B reclaimed water, general sewer plan, generator, groundwater quality criteria, natural wetlands, nonpotable groundwater, potable groundwater, regional water supply plan, subsurface irrigation, underground source of drinking water, wastewater facility plan, water right impairment, water of the united states, wastewater facility plan, wetlands; and absence of definitions for mitigation, net environmental benefits, reclaimed water system, wastewater effluent.	
173-219-040		King County	Delete "...while avoiding over application that could lead to water quality impairment" Assumes the quality of water being used for irrigation will damage the groundwater quality which is not implicit. The definition for agronomic rate is the water rate needed for plant growth requirement.	Delete mention of water quality impairment. If the Ecology's intent a desire to apply RW at agronomic rates to minimize/eliminate irrigation water's contact with the with groundwater indicate so in the land application sections not the definition of agronomic rate.
173-219-040		King County	Need a definition for "enforcement limits." Is it the same as WAC 173-200-020?	

173-219-040		King County	Consider definition of naturally nonpotable water in WAC 173-200-010 (18)	
173-219-040		Bill Peacock	If removing an existing discharge into a freshwater body causes an existing water right holder to be impaired, the existing discharge might be assumed to be improving the water body - is this the view of ecology? How would a proponet show quality degradation in the water body; would they test upstream of all water right holders and then downstream of discharge?	Remove the reference to "quality of water" from this definition
173-219-040		City of Lacey	It could be clearer that the definitions for “underground source of drinking water” and “potable groundwater” refer primarily to sources of supply and does not imply that they meet drinking water standards in the ground	
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173-219-040		DOH 1	consistency	“ <i>Indirect use</i> ” means the controlled use of reclaimed water for a beneficial purpose that has been transported from the point of <del>production</del> generation to the point of use with an intervening discharge to the waters of the state.
173-219-040		DOH 1	Editing	" <i>Person</i> " means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, co-partnership, association, firm, trust estate, or any other legal entity whatsoever.
173-219-040		DOH 1	Secondary contact recreation definition was in first draft. Why removed? It's still used in the rule.	
173-219-040		HT	Beneficial purpose” or “beneficial use” definition should be tighter linked to the RCW (as is done for the definition right above it)	Refers to "approved laboratory methods" citation.

173-219-040		HT	"Environmental contact" should be defined.	
173-219-040		LOTT	"Agronomic rate" – I'm a little concerned about the use of the phrase "water quality impairment" at the end of this. Since the separate "impairment" issue is so complex, do we really want to link it to this definition?	End the sentence after "requirements." Delete the rest.
173-219-040		LOTT	"Commercial and Industrial Use" – seems awkward to say "produce...services"	...produce private sector or institutional products, <u>or provide goods and services.</u>
173-219-040		LOTT	"Construction quality assurance plan" – the end of the definition refers to "...change from the lead agency approved plans and specifications." Wouldn't both agencies have approved the plans and specs, not just the lead agency?	Add non-lead agency?
173-219-040		LOTT	"Potable water, also called drinking water" – Water that needs to be treated isn't drinking water yet.	Suggest replacing "need to be" with "have been"
173-219-040		LOTT	"Wastewater facility plan" – The actual defined term in WAC 173-95A-020 is "facilities plan" (plural)	Change "facility" to "facilities"
173-219-040		LOTT	"Water right impairment" – We've expressed concerns previously about including "degradation of the quality of water" in this definition in addition to availability of water. Although the definition has been reworded in an effort to characterize this in terms of removing a wastewater discharge, which was a big improvement, we remain concerned that the combination of the quality phrase with "in order to reclaim the water" could be applied to activities such as groundwater recharge and other environmental enhancements. The end result could cause these uses to be virtually impossible to implement even though their net environmental benefit may be greater than continuing surface water discharges of lesser quality water.	Delete the phrase "or degradation of the quality of water." If that's not feasible, add a clause that clarifies this definition does not apply to uses of the reclaimed water.
173-219-040		LOTT	Definitions are needed for: Mitigation, Net Environmental Benefits, and Wastewater Effluent	
173-219-040		LOTT	Is it really necessary to indent all the definitions? They take up a lot of extra space that way.	
173-219-040		LOTT	The multi-word defined phrases are inconsistently handled with regard to capitalization of words after the first word. Some are capitalized, some are not.	Need to be consistent.
173-219-040		LOTT	"Beneficial purpose" or "beneficial use" 5 <sup>th</sup> line – Either use "uses" or use "purposes", but not both.	Delete either "uses" or "purposes."

173-219-040		LOTT	“Direct use” – As currently worded, this says the beneficial purpose has been transported.	Move “for a beneficial purpose” after “...to the point of use”
173-219-040		LOTT	“Indirect use” – Same comment as above	Same suggestion as above.
173-219-040		LOTT	“Nonwetland sites” – The use of “neither” and “nor” is not appropriate here since you have more than 2 items listed.	Replace “neither” with “not” and “nor” with “or.”
173-219-040		LOTT	“Peak Hourly Flow – Quote mark missing at the end of the phrase	
173-219-040		LOTT	“Reclaimed water facility” – not in alphabetical order	Move up before “Reclaimed water permit”
173-219-040		LOTT	“Secondary contact recreation” – starts in the middle of the “Reliability Assessment” definition	Move down to a separate line.
173-219-040		LOTT	“Water right impairment”, #3 item – the semicolon doesn’t seem to fit.	The semicolon probably needs to be changed to a comma.
173-219-040		LOTT II	Are unique definitions intended for this document or are definitions intended to be consistent in all State regs? The term agronomic rate is defined in the ground water implementation guidance (Ecology, 1996) as the Rate at which a viable crop can be maintained and there is minimal leaching of chemicals downwards below the root zone. WAC 173-219-530 (2)(r) references a 1985 irrigation guide for definition of agronomic rate.	
173-219-040		LOTT II	All groundwater discharge areas do not have upward groundwater flow. Recommend elimination of the "upward gradient" clause. Define discharge area as GW discharging to SW or atmosphere.	
173-219-040		LOTT II	This is a very narrow defition of infiltration. The term is used widely in hydrogeologic work to indicate the entry of water into the ground.	
173-219-040		LOTT II	No need to specifically mention reclaimed water to define streamflow augmentation.	
173-219-040		LOTT II	For water rights processing, impairment typically refers just to water quantity, and changing water quality is handled under the "public interest" portion of a water right test.	
173-219-050		King County	The draft rule still does not include the statutory responsibility to encourage reclaimed water use.	
173-219-050	(2) a	DOH 1	Thought we were going to “may” on this, not “shall”. Or say “shall, if requested”	(2) Specifically the lead agency shall: a) Convene meetings with the applicant, nonlead agency and other agencies with regulatory interest

173-219-050	2 (b)	DOH 1	Add red item This has been a bottom line issue for us at DOH. Want to see it in the rule, esp since it has been very difficult to get ECY staff to agree to this consistently during the rule discussions – and in fact.	c) Provide copies of submittals to the non-lead agency
173-219-050	(3) & (4) d	DOH 1	Are we clear that review comments are made to submittals – plans, designs, etc, and not just a permit application? All I see in the rule is reference to the permit. I suspect it is a difference in our agency review methodologies.	2) The nonlead agency shall: Submit review comments and recommend permit conditions to the lead agency
173-219-050	(4) b	LOTT	Water pollution control facilities don't "collect...reclaimed water."	I'm not sure what you're trying to do here. If you're referring to all facilities that "...collect <u>and treat wastewater</u> and generate reclaimed water...", then it needs to say that.
173-219-050 (1)		LOTT	There are 2 periods at the end	Delete the 2 <sup>nd</sup> period
173-219-050 (2)		DOH 1	Thought we were going to "may" on this, not "shall". Or say "shall, if requested"	2. Specifically the lead agency shall
173-219-060	2c	King County	Why not simply say that the facility must meet all applicable treatment and discharge requirements under chapter 90.48 RCW and chapter 173-220 WAC; why call out pretreatment?	
173-219-060	2d	King County	It appears the wrong reference was indicated for "The certification procedures are set forth in chapter 173-230."	
173-219-060	2d	King County	Why not simply say that there must be an operator certified by the state, pursuant to the requirements of WAC 173-230, in responsible charge of daily operations?	
173-219-060	2e	King County	I think you meant for this to be a requirement for the generator not the distributors and users. Suggest changing first sentence to "For Generators when reclaimed water distribution or use is not under your direct control: "	See comment
173-219-060	2e	King County	Are there other Ecology rule where there is a simple delegation of authority to the permittee to ensure that end users meet permit requirements?	
173-219-060		King County	e) all contracts and ordinances must be approved by the lead agency to ensure requirements are met. This is extremely difficult to implement for large systems such as Brightwater. Requiring a review by Ecology for a 3 party agreement is like adding a 4th party to the process, allow an approved template instead.	Allow a permittee to have an approved template for agreements/contracts as allowed currently.
173-219-060		King County	Need clarification of some of the new language	
173-219-070 (2)		LOTT	Missing a "the" before generator in the last line.	Insert "the"

173-219-090		King County	Need clarification on process of establishing fees	
173-219-090		King County	Need clarification re cost-reimbursement language; is this solely an applicant's option? Will applicants not choosing, or not being able to afford, this route, be disadvantaged, which would discourage their projects?	
173-219-120	1	King County	Is requiring evaluation of water rights impairment before beginning of construction consistent with RW-WRAC recommendations?	
173-219-120	2	King County	Requiring documentation of agreement to compensation/mitigation could delay issuance of permit indefinitely, if facility has been constructed.	
173-219-120	4	King County	What is the meaning of "existing documents"? Existing as of the time of rule adoption?	
173-219-120	5	King County	King County reiterates its comment with regard to delegated authority for signatures being allowed.	
173-219-120	6	King County	New subsection 6(d) is unclear. What is a "final decision" by Ecology? What is a "development schedule" under this subsection? What is the basis for the four-year length of validity?	
173-219-120		Bill Peacock	It appears that the line beginning with "Construction plans and specifications ..." was left without a bullet letter.	Add item e) for the note of "Construction plans and specifications .....
173-219-120		LOTT	Extra space between "documents" and the period.	Delete extra space
173-219-120	(6) d	LOTT	3 <sup>rd</sup> line – add a comma after "schedule."	
173-219-120 (1)		DOH 1	I don't think there are reqmts for this mtg in -140. This is also not a submittal doc. Also I didn't think this was to be a reqmt -- tho we like preplan mtgs.	1) The following documents require lead agency approval before the beginning of construction: a) A reclaimed water plan meeting all applicable requirements of WAC 173-219- 140. b) For private utilities, a private utility capacity assessment meeting all applicable requirements of WAC 173-219-145.
173-219-120 (1)	(1) c	LOTT	Missing period at the end.	
173-219-120 (1)		DOH 2	The term "beginning of construction" has not definition and is not easily determined for both public and private construction contracts	A more appropriate trigger is being investigated.

173-219-120 (1)	c	DOC	Delete (1) C from the section.	
173-219-130	b	King County	The sentence needs to be fixed grammatically. It also should simply say that the agency shall ensure that the project meets applicable requirements under chapter 90.48 RCW and 90.54 RCW, without characterizing them. For instance, there are policies in 90.54 that promote conservation and reclaimed water.	
173-219-130	d	King County	Ecology should take care not to elevate a guidance document to a standard under the APA. This section should read more like: "Assure that design approaches are reasonably consistent with this chapter and with accepted engineering practices for reclaimed water, as contained in generally applicable guidance manuals in the industry, including [the Orange book?]."	
173-219-130		King County	2) Both lead and nonlead agencies shall promptly take action to comment on, approve, or reject a submittal. If circumstances prevent review within a 90-day period of receipt of the submittal, the lead agency shall notify the applicant of the reason for the delay and an estimated review time. ( comment- Does this apply to the water rights impairment analysis as well, 90 days?) does this 90 day rule also apply to the water reuse plan in 140?	The water rights impairment process needs a duration starting with a complete analysis application through approval.
173-219-130		King County	King County reiterates its comments with regard to whether the proposal will meet other statutory objectives of encouraging reclaimed water use.	
173-219-130 (2)		LOTT	Delete underscore below the "p" in "promptly."	
173-219-140	2	King County	If these planning requirements are "supplemental" to other planning documents, as -120 states, that approach should be restated in this section.	
173-219-140	2e	King County	Should uses correct terminology, and read: "Identify areas where reclaimed water is or may be distributed and used. Include any interlocal or interagency agreements, if any, with local governments or local potable water utilities that are within the area of existing or proposed distribution and use of reclaimed water."	
173-219-140	2l	King County	Use language from RCW 90.46 re what data is relevant. It should not be this open-ended.	
173-219-140	2l	King County	King County reiterates the open-ended nature of this requirement.	Use the statutory language in RCW.

173-219-140	h	King County	Include a preliminary list of existing water rights that may be impaired or an evaluation of the potential for impairment of existing water rights. Does approval of the water rights evaluation if submitted as part of the plan, constitute a water rights determination?	
173-219-140	h	King County	Include a preliminary list of existing water rights that may be impaired or an evaluation of the potential for impairment of existing water rights. - this is straightforward for water availability/quantity but not for quality.	
173-219-140		King County	Ecology needs to explain its vision on how this will work. For instance, what does "when a decision is made to plan" for a "reclaimed water system," the utility must complete a reclaimed water plan? Is this a facility plan or a "system" plan? What is a system? How does this work with the provisions of -120? King County also reiterates its ongoing concerns with some of the language in subsection 2. For instance, subsection (2)(e) now says that the plan must include "any service agreements if service is provided in areas also served by water purveyors." Does this refer to future reclaimed water distribution, or existing? Does this mean existing service agreements, but only if there are any, or possible future agreements? What is the meaning of the phrase "areas to be served with reclaimed water," since the underlying provisions of chapter 90.46 only refer to generation, distribution and use of reclaimed water (there are no designated "service areas" for reclaimed water, as there are for water utilities). The County reiterates its previous requests that this language be made clear.	
173-219-140		Bill Peacock	Item 2 e) identifies something called a "service agreement" if the area to be served by Reclaimed Water is also served by a water purveyors. A "service agreement" has not been defined anywhere that I can find within this document.	Provide a definition for a "Service Agreement"
173-219-140	(2) h	City of Lacey	This requires the applicant to provide a preliminary list of water rights that may be impaired, which could be interpreted for all reclaimed water uses but the applicability section in 150(1) states that this is intended for diversion of wastewater discharges to reclaimed water treatment/uses.	Clarify section 2(h) that this is just for an owner that wants a to divert an existing wastewater discharge to make reclaimed water for other uses
173-219-140	(2) e	LOTT	This clause requires "any service agreements if service is provided in areas also served by water purveyors" be included in reclaimed water planning. Individual reclaimed water service agreements don't usually get prepared that early in the process.	Require service agreement templates; or, add "existing" before service agreements, or "if available, after service agreements.

173-219-140	(2) j	LOTT	Delete the comma after “costs.”	
173-219-140 (2)		LOTT	The intent of this sentence is clear, but it might benefit from an addition.	Suggest a rewrite after “submitted” - “by the owner/operator to the lead agency for review and approval.”
173-219-145	(3) d	Evergreen Valley	It seems there was some confusion in the language proposed for the Private Utility Capacity Assessment regarding the reference to a “third party trust”. The questions from RAC members were: “Where did it come from and what does it mean?” The language was taken from and is consistent with WAC 246-272B-08001, the Rule for Large On-site Septic Systems (LOSS). That WAC states as follows: <i>“For residential subdivisions where the lots are individually owned, a public entity serves as the primary management entity, or as the third party trust for a private management entity”</i> . The way this language has been interpreted by DOH is that the Public Entity does not have to serve as the Primary Management Entity actually doing the day to day operation of the system , but rather would serve as a Stand-by Management Entity that is obligated to step in and serve as the Primary Management Entity at any time it is requested to do so by DOE or DOH. In this way the Private Entity would serve as the Primary Management Entity unless the agencies felt that there was a problem with the way it was operating and maintaining the system. Then the Public Entity would-be obligated to step in and serve as Primary Management Entity. Typically, the Public Entity enters into a contract with the private entity to serve as a Stand-by Management Entity (trusted third party). This contract is submitted to DOH (for LOSS) for review and approval to be certain it meets their requirements before the permit is issued.	I would highly recommend that the language referring to third party trust be re-inserted in to 173-219-145 to provide more flexibility to the Private Entity and the Public Entity while still meeting the needs of the lead agency in assuring continuity and effective management and to remain consistent with existing WAC language. By removing this language we have placed another barrier on the Private Entity to produce reclaimed water rather than simply building a LOSS.
173-219-145		King County	The modifier at the beginning of the section should not modify "a private utility," since a private utility does not issue a permit.	
173-219-150	3 and 4	King County	These sections are borrowing concepts from existing Ecology water rights processing. Since no water rights are associated with, or needed for, reclaimed water, Ecology needs to think through these concepts, and discuss (possibly with RW-WRAC) how these notions could be used, and to what extent they need to be in rule (vs. guidance).	

173-219-150	3b	King County	What is the basis for requiring an impairment evaluation prior to stopping doing surface water augmentation? Do you mean if the typical discharge was to a surface water body? I would not expect that if reclaimed water is already being produced and being used for stream flow augmentation that a proponent would then have to do an impairment evaluation before moving to another reclaimed water use application. For wastewater discharges being removed from a river or stream for the first time to do reclaimed water, I do understand the need for the impairment evaluation. Please clarify.	
173-219-150	3	King County	This is all new language that needs to be explained and discussed with the RAC and RW-WRAC. There are terms that need to be defined (e.g., <u>project development, due diligence</u> ).	
173-219-150	1	King County	Applicability. This section applies to potential impairment of existing water rights by any reclaimed water facilities permitted under chapter 90.46 RCW where the water rights are downstream of any freshwater discharge point of those facilities. Need to make it clear if it includes water quality and if so how this will be determined.	
173-219-150		King County	between steps f and J, Ecology needs to specify a duration. Without a time duration, this rule is not predictable.	From time of submittal of a complete evaluation to a final determination, Ecology shall take no more than 6 months.
173-219-150		King County	King County reiterates its comments and concerns expressed before, principal ones being: given that the statute does not require Ecology to conduct this evaluation of make this determination, there are other alternatives that are less burdensome that should be allowed, which the County has identified to Ecology; there is no clear process outlined, including points in the planning/facility approval/permit-issuance process where the applicant may elect to have Ecology make a formal determination; there is no requirement or timeframe for issuance of a public notice, which drives the decision-making (which could create an indefinitely long wait for Ecology action); the County also believes that the definition of impairment proposed in this rule is a more stringent definition than exists now in the law for other water rights determinations, and unduly burdens reclaimed water projects and applicants	

173-219-150		King County	This section should be rewritten to reflect the discussion and recommendations from the RW-WRAC meeting on March 18. Of particular note is the group's unwillingness to support Ecology's suggestion that impairment decisions be made prior to beginning of construction, and complete support for moving the definition of impairment into guidance rather than have it in the rule.	
173-219-150	e,f,g,h,l	Donna Buxton	A complete timeline needs to be established for all parts of the evaluation process. As the draft is written now, Ecology is allowed an undefined amount of time to complete the evaluation process.	Specify subsection (e) to include amount of time (e.g., 90 days) to determine scope of evaluation. Specify subsection (f) to include amount of time (e.g., 180 days) to complete the evaluation. Specify subsection (g) to include amount of time (e.g., 30 days) for public notice. Specify subsection (h) to include amount of time Ecology has to consult with WDFW and affected Tribes (e.g., 60 days). Specify subsection (l) to include amount of time for Ecology to finalize the permit after the evaluation determination and appeal periods end (90 days). My suggested timeline would provide a total of about 18 months for Ecology to make an evaluation of impairment of existing water rights.
173-219-150	2 b	Donna Buxton		WAC 173-219-150 (6) should instead reference (4).
173-219-150		Bill Peacock	Under item e) The last line needs to be clarified or removed. By including ground water as well as surface water for the impairment analysis regarding the "discharge to a freshwater point" seems to make the impairment analysis very onerous, especially since we have not even defined the limits of downstream impairment as yet for the receiving body.	Remove the last sentence which reads "The scope shall include both ground water and surface water as appropriate."
173-219-150	(2) e	City of Lacey	This sets a weird precedent ... NPDES allows for the right to discharge – but does this open the door for having NPDES require a minimum quantity of discharge? And is this already done?	

173-219-150	(2) i	LOTT	This is confusing because “completion of public notice” and “opportunity for review and comment” could be read as being two different points in time, which means we can’t tell what the 90 days applies to.	If the “opportunity for review and comment” is intended to be part of the title of the public notice, the wording should be “...public notice, including notice of opportunity for review and comment.” If these are intended to refer to separate steps in the process, then this needs to specify which one the 90 days applies to.
173-219-150	(2) h	LOTT	Ecology is spelled wrong	
173-219-150	1	LOTT II	There was discussion of the potential for indirect impacts (via water right seniority dates) to water rights that are UPSTREAM of a freshwater discharge point. As written, this refers only to downstream water rights.	
173-219-150	(2) b	LOTT	References to “uses” and “use” might benefit from additional clarification.	Revise to specify that the “use” or “uses” are for reclaimed water.
173-219-150	(2) b	LOTT	Reference to WAC 173-219-150(6) – there is no (6)	
173-219-150 (1)		City of Lacey	Section 1 states that it’s just for downstream impairment but 2(e) states that the evaluation can also include evaluation of impairment to groundwater rights. Not clear how this works...	
173-219-150 (1)		LOTT	I thought impairment was being considered in terms of both upstream and downstream – why is upstream omitted?	If “freshwater” is intended, some rewording might help – “from any discharge point of those facilities to freshwater.”
173-219-170		Bill Peacock	It appears we have missed and or have not called out the process to evaluate existing wastewater treatment facilities and how the reclaimed water project will intertie/function within these facilities. We need to have the merger of the existing plant with the construction of the new if so warranted, ie using effluent from existing plant to feed Reclaimed Water Facility.	Add item within Plans and Specifications reference to address the merger of the new processes and the old.
173-219-170	(2) second line	LOTT	The “state of Washington, <i>Criteria</i> ...” should be moved down as a)	
173-219-170	(2) b	LOTT	Reference to the American Society of Civil Engineering	The correct name is engineers.

173-219-180	(3) b	LOTT	Delete the 2 <sup>nd</sup> period.	
173-219-205	b & c	LOTT	Add spaces after the WAC citations.	
173-219-210		HT	This is not adequate: “Typically, the lead agency issues an individual operating permit concurrently with an individual wastewater discharge permit under chapter 90.48 RCW. The two permits may be combined within a single permit document.” See also suggested language	From the point of view of the public, the two permits need to be synced up (and at the first 5-year renewal point if one is established off-cycle from the other permit). They MUST be presented in a pair to the public at the time of renewal so that the public can see the whole picture. It will be confusing to have two different public review periods at different times for the same facility.
173-219-210 (1)		DOH 1	Doesn't apply to DOH.	1) The operating permit issued by the lead agency shall be an individual permit unless the facility (a) is a master generator permitted in WAC 173-219-215, or (b) is covered under a general permit under WAC 173-219-220.
173-219-210 (2)		DOH 1	Doesn't apply to DOH.	2) Typically, <del>the lead agency-</del> Ecology issues an individual operating permit concurrently with an individual wastewater discharge permit under chapter 90.48 RCW. The two permits may be combined within a single permit document.
173-219-210 (3)		DOH 1	Doesn't apply to DOH.	3) The lead agency develops and provides the required application forms. Application forms must consider the water quality, volume generated, purposes of use, locations and other relevant factors.

173-219-210 (4)		DOH 1	Doesn't apply to DOH.	4) The lead agency shall make a draft determination to issue or deny a permit and to prepare a fact sheet or statement of basis, in accordance with section 230 of this chapter.
173-219-215	a	King County	Provides overall management and operational responsibilities for multiple facilities generating reclaimed water - pls add "under one operating permit"	
173-219-250		HT	An emailing list of interested persons should be developed for each facility (and updated each time a permit is renewed)	
173-219-250		HT	In addition to "The potential for impairment of existing downstream water rights and any compensation and mitigation proposed for such impairment." The fact sheet should also contain the potential to impair any beneficial uses.	
173-219-250		HT	Revise (6) b	Should be: b) The lead agency may hold a workshop or hearing if it determines there is a significant public interest OR IF 10 OR MORE PEOPLE REQUEST A HEARING.
173-219-260		LOTT	Delete the underscore between "transfer" and "is"	
173-219-290	4e	King County	Very broad statement- need to identify from what sources for this specific permit	e) prevent or control the introduction of pollutants into waters of the state <i>from reclaimed water activities (add the italicized words to be more specific_)</i>
173-219-290	4l	King County	We would question whether Ecology could require, via permit, that the permittee allow access to property where the reclaimed water is used, even if that property is privately-owned and not owned by the permittee.	
173-219-290	4o	King County	Additional monitoring should only be required if "reasonably necessary" to protect public health or the environment	
173-219-290	4p	King County	If the permit can be modified "for cause," the rule needs to define what "cause" is	

173-219-290		King County	We would like the ability to continue ( as we do now) to add new irrigation, industrial or commercial customers each year by adding them to our annual reclaimed water summary that we submit to Ecology. This method assumes the new customers has the same uses you are already permitted for, not new uses. This method works well for these select uses. We did not see this explicitly called out in the new rules and we absolutely do not want to have to OPEN UP the permit each time we add a new customer and have a public comment period.	Add language to ensure that new irrigation, industrial and commercial customers can be added annual to the reclaimed water summary submitted to Ecology instead of opening up the permit to add new customers/end users.
173-219-290		King County	need to add wording for permit conditions related to: 1) ability to add new industrial, commercial or irrigation customers through the use of the annual reclaimed water use summary plan that is submitted annually to Ecology	
173-219-290		King County	Need to add a permit condition about sale and distribution agreements ( when they are needed and what needs to be in them) : where the reclaimed water distribution system is not under the direct control of the permittee, a binding sale and distribution agreement among parties involved is required to ensure all distribution, operation, maintenance and monitoring requirements are met.	
173-219-290		King County	need to add wording about service and use area agreements (when they are needed and what needs to be in them)	
173-219-290		King County	For both sale and distribution agreements and enduser agreements, each individual agreement needs to be approved by the lead agency or a standard agreement (template) may be approved by the lead agency.	This is an actual permit condition in the South Plant RW permit and we want it in the new rule-If a standard agreement/contract has been approved by the Departments, the permittee may certify that individual contract copies submitted comply with the terms and conditions of the approved standard contract. If no standard contract has been approved, a copy of each individual agreement must be submitted and approved by the lead agency prior to implementation.

173-219-290		King County	The first sentence of this section should say "Each permit issued by the lead agency must be consistent with chapter 90.46 RCW and this chapter, and must:" Ecology should consider what the purpose of the detailed listing of permit conditions is, if each of them relates back to requirements in the rule. Why would Ecology not simply list the parts, or sections, of the rule? This section seems to simply paraphrase the rule requirements, and to the extent that the language is different from the remainder of the rule, it could create ambiguity and confusion over what the applicable requirements are. Why, for instance, would the permit require accredited laboratories be used (see subsection (4)(j)) for sampling, if the substantive requirements in the rule already contain that requirement? On the other hand, why should the permit contain new, substantive requirements (for example, the reporting requirements in subsection (4)(k)), if those requirements don't exist elsewhere in the WAC? We also assume that Ecology's economic analysis will evaluate why monthly reports would be required, under subsection (4)(k), rather than some other frequency that would be less burdensome to the reclaimed water generator.	
173-219-290		King County	There should be some linkage in this section to the permittee's ability to appeal any proposed permit conditions	
173-219-300	(1) c thru g	LOTT	This was also a comment I made on the original draft – the WAC citations use numbers that don't match the actual sub-sections	Instead of 330, 350, 360, 370 and 380, these should be 325, 340, 350, 360 and 370 to correctly match the sub-sections they're referring to.
173-219-310		HT	"The lead agency may require the reclaimed water generator to submit an industrial user survey to determine the extent of compliance of all industrial users of the reclaimed water generator's wastewater collection system with state and federal pretreatment regulations" – This should be required. Unfortunately, the existing pre-treatment requirements and implementation in the state is not strong enough to ensure that industrial users are not adversely impacting the waste stream. In addition, the results of this survey should be included as an attachment to the fact sheet that goes out to the public during the comment period.	
173-219-320	2b	King County	The wording " receiving untreated or partially treated wastewater" is confusing and violates 1a traditional method.	Suggest wording stating that upstream biological oxidation must occur and meet the following performance standards

173-219-320	3a	King County	I disagree with the assumption that turbidity monitoring along provides an adequate barrier for assessing pathogen risk. In addition, filter standard operating practice dictates that addition of a coagulant to bind colloidal material for more effective removal. Allowing an exception from coagulant addition with a granular filter also violates definition stated in 1a traditional method.	
173-219-320	5b	King County	Rule needs to take into account whether this applies to all reclaimed water facilities or only a new facility. Assume only new facilities. In addition, 5-log virus removal is not easily demonstrated for any disinfection option (See reference shown in basis column). 4-log virus removal is typically listed for disinfection methods (under very high dose conditions). What was the basis for the log virus removal requirements in this draft rule? Do not appear practical?	
173-219-320	5b	King County	Under minimum requirement (ii), suggest changing "is" to "if." What is the difference between treatment process described in minimum requirement (i) and (ii)? In particular, the inclusion of sedimentation unit processes. Typical set-up is coagulation, flocculation, filtration.	
173-219-320		LOTT	This section defines the water quality criteria based on both traditional treatment and membrane filtration methods. To meet the requirements for Class A, the water quality criteria are inconsistent between the treatment technologies. Water quality standards should not be technology dependent. Additionally, many systems incorporate a combination of both traditional methods and membrane filtration processes. The water quality criteria that may be required from a combined or blended system are not provided.	This section should be revised to address water quality criteria for Class A based on the parameters and thresholds, regardless of the treatment method(s).
173-219-320	(5) a	LOTT	This section keeps the disinfection requirement at 2.2 MPN/100mL 7 day median and sample maximum of 23 MPN/100mL. The issue of reporting and/or actions to be taken for exceedances of Total Coliform or BOD has not been addressed. Both tests take time to get results (1-5 days) and the water will likely already have been reused prior to knowing the results.	(I don't know what to suggest to address this; we're just raising the question.)
173-219-320	(3) b	City of Lacey	Why are there different turbidity limits based on treatment technology?	Class A water should have a single turbidity limit.
173-219-320	(4) a	City of Lacey	Why are there different turbidity limits based on treatment technology?	Class A water should have a single turbidity limit.
173-219-350	6a	King County	Need to define "failure" in b). Is it performance failure?	

173-219-350	6b	King County	Propose adding uninterruptible power supply (UPS) as an alternative.	See comment
173-219-350	6c	King County	Propose deleting the word "responsible."	See comment
173-219-350		HT	There must be no bypassing of untreated or partially treated wastewater from the approved reclaimed water plant to the distribution system or to the point of use. Reclaimed water plants must retain inadequately treated wastewater for additional treatment; have authorization to discharge the wastewater to another permitted site, or both.	This language needs to be stronger. Something more like “prohibited” – as this is a very important issue.
173-219-370		City of Lacey	Monitoring requirements. This section doesn't say anything meaningful anymore. For example, there's nothing about analysis reliability in there.	Delete section or combine with section 360
173-219-380	Not currently a section	HT	There should at least be a placeholder for pharmaceuticals and emerging contaminants of concern here. It could be phrased as “may be sampled if deemed appropriate to protect beneficial uses as more technical information becomes available.”	
173-219-420	4 c	Donna Buxton	The plumbing code addresses "in premises" (fixture) requirements. Local ordinance addresses "premises isolation" (at the meter). Even though WAC 246-290-490 refers to local ordinance, we'd like to highlight the authority of local ordinance in this rule.	After "or the locally adopted plumbing code", insert "or ordinance".
173-219-420 (3)		DOH 1	Need to include citation for the pipe separation document. Same as we can't use “Purple Book” because it doesn't yet exist, this paper has not made it into the orange book, even though there have been interim orange book revisions since the paper was published.	3. Pipe Separation. The person maintaining control of the reclaimed water shall assure that adequate separation is maintained between reclaimed water lines, sanitary sewer lines, storm sewer lines, and potable water lines in order to protect public health. The lead agency shall review documents submitted under this chapter to determine whether they are reasonably consistent with appropriate sections of State of Washington <i>Criteria for Sewage Works Design Chapter E 1</i> , August 2008, as amended.

173-219-420 (3)		LOTT	For pipe separation guidance, this section refers to the Criteria for Sewage Works Design Chapter E 1 only. There is a more extensive document that left open a case-by-case approval option.	Add a referral to the "Pipeline Separation Design and Installation Reference Guide." Version 9 was published in May 2006, publication number 06-10-029.
173-219-430	2	Donna Buxton	The owner/operator of the tank truck (not the permittee or the water purveyor) should be responsible for ensuring lower quality water is not present in the tank truck.	Change "the reclaimed water permittee" to "the owner/operator of the tank truck".
173-219-430		Bill Peacock	Under transport trucks, how do we determine what to test for in order to show the truck is fit for carrying reclaimed water?	
173-219-440	4	Donna Buxton		Omit the table and incorporate the minimum setback distances to public areas by reclaimed water type as subsections (a) and (b) under 4.
173-219-440		Bill Peacock	If I have a fenced and controlled area receiving class B water for spray irrigation, does the nozzle heads need to be 50 feet away or does the spray have the restriction to be 50 feet away from the controlled limits ie the fence?	
173-219-440		City of Lacey	Based on LOTT comments on this section	It may make sense to be clearer that an SCA is simply a 100' radius for a public supply well, and a 200' radius for a spring.
173-219-440	(1) (2) (3)	LOTT	This setback distance requirements would apply to all facilities, including pipelines. Do these same requirements also apply to wastewater and stormwater facilities? I'm wondering if this is consistent with other standards or if reclaimed water is being held to a higher standard. If we're going to use a phrase like "sanitary control area," that should be added to the definitions.	

173-219-440 (1)		DOH 1	Approval for what? If the pipe line crosses private property, there should be an easement. If the line complies with setbacks, they need no approval from the purveyor. If the line is within the sanitary control area, they should have approval of DOH and the purveyor for a request to not comply with the separation in the WAC – and with the mitigating measures that should be happening. In any case, if they are near, they should notify the purveyor.	1) Setback distances for any reclaimed water storage, distribution or use component within the sanitary control area of a Group A public water supply shall comply with WAC 246-290-135. The permittee or person(s) who distributes reclaimed water or owns or otherwise maintains control over the use area shall obtain the approval of the Group A public water supplier.
173-219-440 (2)		DOH 1	Approval for what? If the pipe line crosses private property, there should be an easement. If the line complies with setbacks, they need no approval from the purveyor. If the line is within the sanitary control area, they should have approval of DOH and the purveyor for a request to not comply with the separation in the WAC – and with the mitigating measures that should be happening. In any case, if they are near, they should notify the purveyor.	2) Setback distances for any reclaimed water storage, distribution or use component within the sanitary control area of a Group B public water system shall comply with WAC 246-291-100. The permittee or person(s) who distributes reclaimed water or owns or otherwise maintains control over the use area shall obtain the approval of the Group B public water system owner.
173-219-440 (2)		DOH 1	Approval for what? If the pipe line crosses private property, there should be an easement. If the line complies with setbacks, they need no approval from the purveyor. If the line is within the sanitary control area, they should have approval of DOH and the purveyor for a request to not comply with the separation in the WAC – and with the mitigating measures that should be happening. In any case, if they are near, they should notify the purveyor.	TG note. (3) Example not included in memo. However (3) states "approval of the potable water supplier".
173-219-450		Bill Peacock	Under item 2 are we implying that spray must be contained and therefore I may need to either have a duplicate watering system for perimeters where contact by wind, etc may provide overspray?	
173-219-450		HT	This section should be written with stronger language that “prohibits” the disallowed uses (for example spraying on people, etc)	

173-219-450 (5)		DOH 1	Need to include citation for the pipe separation document. Same as we can't use "Purple Book" because it doesn't yet exist, this paper has not made it into the orange book, even though there have been interim orange book revisions since the paper was published.	3. Pipe Separation. The person maintaining control of the reclaimed water shall assure that adequate separation is maintained between reclaimed water lines, sanitary sewer lines, storm sewer lines, and potable water lines in order to protect public health. The lead agency shall review documents submitted under this chapter to determine whether they are reasonably consistent with appropriate sections of State of Washington <i>Criteria for Sewage Works Design Chapter E 1</i> , August 2008, as amended.
173-219-460	#2	King County	Where it states "must submit a plan to the lead agency regarding the timeframe and labeling methods for said conversion." I understand they are going to request all valves to be labeled, storage tanks, and even irrigation heads - at some time, but we should ensure it doesn't mean that the water lines need to be color-coded purple, unless the line breaks and needs to be replaced. Otherwise, very few people will be willing to go to the expense of replacing line. Additionally, where would the environmental benefit be of digging up all the line and installing new line. Lots of energy and material usage.	
173-219-460	3	Donna Buxton	Allow notification to be more varied than "purple with white or black lettering" or allow for agency approval of existing notification.	Change first sentence to read: Signage or advisory notification shall predominantly include the color purple.
173-219-460 (2)		LOTT	As currently worded, this says that "storage and distribution systems...must submit a plan." Systems can't submit a plan.	Reword as "For storage and distribution systems that are being converted from other uses to a reclaimed water purpose, the generator [or owner, permittee, or other term] must submit a plan..."
173-219-460 (2)		LOTT	Last sentence refers to approval by the lead agency. Don't both agencies need to approve?	Add non-lead agency?

173-219-460 (3)		LOTT	The signage wording allows “other advisory or educational language acceptable to the lead agency,” but the signage color doesn’t include a similar allowance. LOTT’s signs have dark purple letters on a white background, which would not meet the requirement as currently written, yet the design was approved by both agencies.	Allow “other color combination” in addition to other language “acceptable to the lead agency.”
173-219-500	2a	King County	At end of 2a, "...in Part IV of this chapter." Should it be rule instead of chapter. Not sure what "Chapter" means in this context.	See comment
173-219-500	2e	King County	Concern about requirement to meet ground water standards for unlined ponds or water features. Seems excessive for size of space typically involved. Storm water infiltrates soils through swales and mildly treated wastewater seeps into soils from septic systems is much lower quality than Class A reclaimed water.	Suggest changing language to have a size threshold.
173-219-500	3a	King County	Please add "process water" to the list of exceptions as it is the most common treatment plant use.	See comment
173-219-500		King County	e) is too restrictive. If all golf course ponds and farm ponds that are unlined and filled with class A must meet groundwater standards, which requires higher level of treatment, then all of these irrigation uses will be terminated. Showing to the "satisfaction of the lead agency" and doing the tests will be too expensive, especially for small projects. need another standard for groundwater that is used for drinking water, not all groundwater.	e) Ponds or other water features that are not lined or sealed to prevent seepage are acceptable only if it is class A.
173-219-500	2 e	Donna Buxton		Provide the WAC reference for the groundwater standards.
173-219-500		HT	Damp sweeping and Ballast water will have an environmental contact	
173-219-500	(2) e	LOTT	This clause refers to meeting “the groundwater standards.” What standards is this referring to? Section 800? Chapter 173-200 WAC?	Add a more specific citation.
173-219-500 (1)		LOTT	Suggest rewording	“This section applies to nonpotable uses of water, <u>other than land application</u> , to produce private sector or institutional products <u>or provide</u> goods and services <del>other than land application</del> .”
173-219-500 (5)		LOTT	Suggest adding “institutional.”	Change “commercial and industrial” to “commercial, industrial, and institutional”

173-219-500 (5)		LOTT	Need a clause adding net environmental benefit to the list of considerations for an exception or added requirements in these sections.	Add "potential for net environmental benefit" to each of these three lists.
173-219-530	3	King County	The guidance documents listed were not originally created with the idea of being in "rule." They were created as "guidance."	Move to guidance all suggested manuals for use.
173-219-530	3	King County	Ecology's overriding concern is to keep reclaimed water approved for irrigation use from reaching the groundwater. For planning purposes, general water balances can be done to determine the typical seasonal water uses. For day to day operations, the methods to achieve keeping irrigation water out of the groundwater are varied and the rule should allow for different methods that can be used dependent on the sophistication of the user, the size and location of the property. For day to day operations, the methods used could be more varied such as checkbook style weekly water balance calculations taking into account expected weather forecast for a golf course. For day to day operation of a landscaping area in front of a business park the automated sprinklers controlled on/off based on rain sensors or moisture sensors and proper sizing of the irrigation system might be suitable to minimize contact with groundwater. The rule should allow for this flexibility instead of requiring it all.	Suggest deleting the majority of 3 (except keep 3bv and 3c) and replace with. " Irrigation shall be confined to the use area, minimize the potential for runoff, ponding, overspray, and excessive application. The end user shall use any single or combination of methods to meet these requirements such as water balance calculations using standard manuals of practice, flow metering, soil moisture sensors, rain sensors, or other such standard methods." This shows ecology's intent without being too prescriptive in the rule and taking it consideration the various needs at different sites (i.e.. 20ftx5ft tree planting strip versus a 20 acre farm). If more specific requirements are needed suggest outlining them in guidance.
173-219-530	3a	King County	This paragraph conflicts with 2a. 3a indicates that the water quality much be characterized sufficiently to assure that the irrigation water quality is appropriate for the use. The appropriate uses for the quality of water have already been identified in 2a. If Ecology is just providing the opportunity to blend reclaimed water with other water, modify the sentence accordingly.	
173-219-530	3	Donna Buxton	Omit "... the State of Washington Irrigation Guide", October 1985, as amended, the "State of Washington Irrigation Management Practices to Protect Groundwater and Surface Water Quality", September 1994, as amended, or in other ..."	Include these references in guidance.
173-219-530		HT	"Minimize the potential for movement of contaminants to the groundwater." This is not written in strong enough language	

173-219-530		HT	If class B is allowed for irrigation, then the runoff to surface water must be explicitly prohibited. The language in the rule is not strong enough to protect the environment.	
173-219-530	2	LOTT II	It looks like the numbering of this section is incorrect. However, under (2), treatment requirements are Class A for likely public contact, and Class B for unlikely public contact. Then 2(s) allows blending to achieve the required water quality for a specific use. If blending is to be a benefit, it should be made clear that the treatment requirement is met after blending.	
173-219-530 & 173-219-540	5a and 4a	King County	Any county with an approved groundwater management plan is already obligated to comply with the provisions in such plan. Most of King County is in one of four groundwater management areas. What will Ecology through this language for irrigation users beyond the approved groundwater management plan requirements? Also, if the users are irrigating at agronomic rates, the reclaimed water will not interact with the groundwater. Lastly, the sentence assumes that reclaimed water would be degrading the groundwater. This is not a given.	Delete 5a from -530 and 4a from -540.
173-219-530 (5)		LOTT	Need a clause adding net environmental benefit to the list of considerations for an exception or added requirements in these sections.	Add "potential for net environmental benefit" to each of these three lists.
173-219-540		King County	2f) Where spray irrigation is used, personnel at the use area must be notified that the water used is reclaimed water and is not intended for drinking. Delete the last sentence which reads-The reclaimed water use plan must specify how notification will be provided. Let us decide how to notify when the time is right, the use plan is not the right place.	
173-219-540		King County	5) add net environmental benefit to this section as well but re-write it so it includes the whole environment not just wetlands.	
173-219-540	5	King County	Suggest adding as a criteria of "reasonable practices and requirements for the end user" for the lead agency to grant an exception or additional requirement. This should be a criteria for all of the use types.	See comment

173-219-540	2c, 2d	King County	Ecology's overriding concern is to keep reclaimed water approved for irrigation use from reaching the groundwater. For planning purposes, general water balances can be done to determine the typical seasonal water uses. For day to day operations, the methods to achieve keeping irrigation water out of the groundwater are varied and the rule should allow for different methods that can be used dependent on the sophistication of the user, the size and location of the property, and the stages of growth of the plant type. For day to day operations, the methods used could be more varied such as checkbook style weekly water balance calculations taking into account expected weather forecast to automated sprinklers controlled on/off based on rain sensors or moisture sensors and proper sizing of the irrigation system might be suitable to minimize contact with groundwater. The rule should allow for this flexibility instead of requiring it all.	Suggest deleting 3caand 3d and replace with. " Irrigation shall be confined to the use area, minimize the potential for runoff, ponding, overspray, and excessive application. The end user shall use any single or combination of methods to meet these requirements such as water balance calculations using standard manuals of practice, flow metering, soil moisture sensors, rain sensors, or other such standard methods." This shows ecology's intent without being too prescriptive in the rule and taking it consideration the various needs at different sites. If more specific requirements are needed suggest outlining them in guidance.
173-219-540	2e	King County	This paragraph conflicts with 2a. 2e indicates that the water quality must be routinely monitored for parameters necessary to assure that irrigation water quality is within acceptable limits for agricultural use. The acceptable water quality limits are already dictated by the quality of water identified in 2a. If Ecology is just providing the opportunity to blend reclaimed water with other water, modify the sentence accordingly. If Ecology is concerned with nutrients, the level of nutrients in Class A water even without nutrient removal are well below what normally would be added for fertilizer.	
173-219-540	2e	King County	Suggest adding in flexibility to allow agronomic water quality characterization of the reclaimed water over some period of time and if some agronomic parameter are shown consistently well below thresholds , then routine monitoring is no longer required or only required annually.	See comment
173-219-540	2f	King County	What is the "reclaimed water use plan." Not mention anywhere else in rule.	Delete

173-219-540	2 c	Donna Buxton	Omit "... the State of Washington Irrigation Guide", October 1985, as amended, the "State of Washington Irrigation Management Practices to Protect Groundwater and Surface Water Quality", September 1994, as amended, or in other ..."	Include these references in guidance.
173-219-540		HT	"Minimize the potential for movement of contaminants to the groundwater." This is not written in strong enough language. If class B is allowed for irrigation, then the runoff to surface water must be explicitly prohibited. The language in the rule is not strong enough to protect the environment.	
173-219-540	2	LOTT II	Same comment as in 530, except that the number here is correct.	
173-219-540	(3) a iii	DOH 2	"Highly restricted" site access is not defined and potentially not necessary. There are no consistent or readily available definitions or descriptions of 'restricted access' or 'highly restricted access' sites. Restricted access is generally defined by the presence of fences and advisory signs on the external boundary of the property.	Delete "highly"
173-219-540	(4) a	DOH 2	References to 'minimizing potential for groundwater degradation' especially in an area large enough for designation as groundwater management area is completely inconsistent with the previous definition and requirement for irrigation based on agronomic rates.	Delete subsection.
173-219-540	(2) d ii	Dept of Agriculture	change wording	<u>Apply</u> water in the use area.
173-219-540	(2) f	Dept of Agriculture	End sentence with "not for drinking"	End sentence with "not for drinking" delete last sentence and "intended"
173-219-540	(3) a iv	Dept of Agriculture	Modify the paragraph (3) and (a) iv to what are exceptions and what are the restrictions on application; move iv to 3 and make "exceptions" a separate subsection.	Modify the paragraph (3) and (a) iv to what are exceptions and what are the restrictions on application; move iv to 3 and make "exceptions" a separate subsection. Done 4/5/2010.
173-219-540	2 (e)	Dept of Agriculture	add "when" to eliminate routine unneeded monitoring.	<u>When appropriate</u> reclaimed water quality must be...
173-219-540	(4) a	Dept of Agriculture	I thought the end result was to drop this sub-section.	
173-219-540	(3) a iii	Dept of Agriculture	What is meant by "highly restricted"	

173-219-540	(2) c	Dept of Agriculture	<p>I would still prefer that this section be dropped in the rule. The references to the manuals should be in the permit writer’s guide, not in rule. At least one of these manuals is under review to be updated, others may follow or there may be new manuals out. The change suggested – to use language that suggests these are examples, still is not satisfactory. One of the primary drivers is that, to keep the rule accurate, if the reference changes or better material comes along, you would need to hold hearings and go through the whole rule revision APA to change the reference. It would be much easier to do this if it was in the manual. Over time, if not up to date, users would be instructed to follow guidelines in manuals that would no longer be available. All of the requirements are already covered in one form or another in the rule as now written. Instructing people to go to another, possibly unavailable source, will increase the difficulty for reclaimed water projects.</p>	
173-219-540	(2) e	Dept of Agriculture	<p>The same logic applies for the 2(e). The reference to the EPA and FAO manuals should be in guidance not rule. It is not as strong an argument here as the language states that ...monitoring should be based on manuals of standard practice, including but not limited to..... Section c states that application is limited to methods and rates in the manual. This effectively makes a guidance into rule, which is not the intent of the guidance.</p>	
173-219-540 (5)		LOTT	<p>Need a clause adding net environmental benefit to the list of considerations for an exception or added requirements in these sections.</p>	<p>Add “potential for net environmental benefit” to each of these three lists.</p>

173-219-620		King County	<p>The net environmental section (5) is too limited. It's only test is whether there is a benefit to the wetland and this is too restrictive. The choice may be between a wetland or river discharge. The tradeoffs between project alternatives needs to be all the alternatives not just the wetland. Look at Spokane county or carnation for examples where the tradeoffs and net benefit was a bigger picture.</p>	<p>you need a whole new section under part VI- Use specific requirements -on net environmental benefit where any project can look at the benefits v. impacts for all reclaimed water projects. The applicant must demonstrate protection of the beneficial uses and explain what the <b>NET</b> benefits are to the environment. in exchange for a net benefit, the applicant should be allowed some flexibility in all these requirements. Article 6 in the current standards has acceptable language when applied to all projects, not just wetlands From the current starts-Article 6. Net Environmental Benefit Section 1. Required Demonstrations Where it can be demonstrated that net environmental benefits will be derived as a result of the discharge of reclaimed water, exceptions to the standards herein will be considered. In order to demonstrate net environmental benefit, two criteria must be met:  (1) Full and uninterrupted protection will be given to significant, existing beneficial uses of the receiving water, including</p>
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173-219-620		King County	<p>Required evaluations-It is written that the applicant must include: v) Whether the wetland occurs in a groundwater recharge or discharge area, the potential for changes in the quality and quantity of the water leaving the wetland, and for degradation of existing groundwater quality. vi) The relationship to and requirements for any surface waters receiving wetland flows including the potential to adversely impact the quality of other surface waters receiving flows from the wetland project.</p> <p>ALL projects must do these evaluations and it will require that all projects have to prove no hydraulic connection or else you must meet groundwater standards. The costs of these studies and the monitoring needs to be considered.</p>	Put these requirements in guidance and let the appropriate studies be negotiated otherwise all applicants will be required to further characterize the anticipated changes to groundwater quality and quantity, conduct a site-specific hydrogeologic investigation demonstrating that hydrogeologic conditions are adequate to maintain groundwater quality consistent with the antidegradation provisions and monitor the groundwater, further characterize changes in the quality, timing or quantity of the water leaving the wetland, and the potential for degradation of existing surface water quality from the reclaimed water use and monitor the surface water body.
173-219-620	3 b ii	Donna Buxton		Define "secondary contact recreation"
173-219-620		HT	Class B should not be allowed to wetlands that will in turn flow into creeks and rivers (or other waterbodies). Only class A should be allowed for this use. Constructed wetlands that do not have this outflow could be allowed to be Class B. It makes sense to use reclaimed water (at classes A and B) for uses such as industrial, irrigation, etc. but the use of Class B for natural wetlands is a step backwards.	
173-219-620	(3) c iii	LOTT	Note re the TKN of 3mg/L annual average requirement for use in natural wetlands – this poses a significant treatment challenge. (Neither of the LOTT facilities currently meets this standard.)	No suggestion – just an observation to consider.
173-219-620	(4) a ii	LOTT	The first “existing” would not apply to a “proposed wetland.”	Delete the first “existing.”
173-219-630		HT	Should be specified as Class A	

173-219-640		King County	2c- wetland water features constructed in parks or GOLFCOURSES will need to do all the required studies to characterize groundwater or surface water discharges and impacts. Often golf courses put the water in a constructed pond (lined or unlined) and now will have to do a set of studies to characterize groundwater changes etc.	
173-219-640		HT	Again, this section is not mentioning environmental contact.	
173-219-640 (2)		LOTT	If a constructed beneficial use wetland is later designated as jurisdictional wetlands, the owner/operator will be required to maintain flows and levels within the wetland, which imposes limitations on potential future uses of reclaimed water.	Clarification and direction is needed in this section to address what regulatory body provides the evaluation and decision to designate the wetland as jurisdictional, how the decision can be made, and if designation can be modified.
173-219-700		King County	a) Requirements for indirect augmentation of surface water by ground water recharge, percolation recharge, or direct recharge shall be established by ecology on a case by case basis. In establishing requirements, ecology shall consider whether specific requirements in sections 700, 800, 810, 820, and 830 of this chapter are appropriate.	
173-219-700	1	King County	The applicability should use language from the RCW rather than paraphrase. For instance, it should say "rivers and streams of the state, or other surface water bodies." It might want to give examples of "other surface water bodies," e.g., lakes, ponds, etc.	
173-219-700	2a	King County	There does not seem to be any reference in draft 173-220 to a combined permit. If there is no such permit in -220, it is not clear what this provision means.	

173-219-700	2b	King County	<p>Why repeat the requirement that reclaimed water must meet adequate and reliable treatment requirements, if that requirement is already in the WAC? The terms "direct augmentation," "potable water supply impoundments," and "primary recreation" are not defined in the draft rule, and it appears that these definitions are needed in order to determine applicable. "Potable water supply" is defined--but does the water in such an impoundment need to be at drinking water quality, or does it simply need to be a source of supply for drinking water. If the latter, are the proposed standards more stringent than for wastewater discharges to the same surface water; if so, why? Is "primary recreation" the same as "primary contact recreation," which has a definition? Are the proposed standards for reclaimed water more stringent than for wastewater discharges to a surface water body that is used for recreation; if so, why?</p>	
173-219-700	2d	King County	<p>There is no definition of "indirect augmentation" of surface water by groundwater recharge; what does this mean? The requirements are entirely open-ended with regard to indirect augmentation of streamflows and surface waters, and open the door to arbitrary and capricious determinations by the lead agency. Most, if not all, groundwater ultimately discharges to surface water, and this language in effect says that even if a project meets Ecology's extremely stringent groundwater requirements, Ecology still may not approve the project. As Ecology should be aware, some parties who oppose direct flow augmentation would support flow augmentation if it were done through a wetland or groundwater aquifer. The evolving body of science for reclaimed water indicates that groundwater has the effect of causing potential contaminants to break down into harmless components. This language appears to establish a category of use that has no criteria and no standards. Are there similar standards for discharge to land for wastewater discharges? This language should be eliminated.</p>	

173-219-700	3	King County	We do not understand either the rationale for the new language, which precludes the conversion of a reclaimed water surface water augmentation proposal to another reclaimed water use, absent a prior impairment analysis. This implies that by providing surface water augmentation in a project, the project owner has obligated itself in perpetuity to streamflow augmentation; this is in direct conflict with the recommendation of the RAC on this issue. This needs to be explained. It also does not appear to fit within the caption "submittals" for this subsection; it makes more sense to be under the previous subsection.	
173-219-700	3	King County	We do not completely understand the new language with regard to the conversion of streamflow augmentation if it is being used as mitigation. This needs some explanation, because it is subject to multiple interpretations. In addition, there needs to be separate language that explicitly precludes any claims of impairment by holders of water rights if the reclaimed water used for flow augmentation is changed to another use. Ecology should also consider language that expressly precludes Ecology's issuance of new or changed water rights based on the flow augmentation provided by the reclaimed water, unless the owner of the reclaimed water has agreed to such rights.	
173-219-700		King County	Oregon allows discharge of municipal wastewater treatment plant effluent to the hyporheic zone. The water is not required to meet reclaimed water standards. Ecology should consider allowing for stream flow augmentation using releases to the hyporheic zone.	
173-219-700	2 b i	Donna Buxton	The reference to "potable water supply" suggests reclaimed water can be used to augment <u>potable</u> water. Potable means "drinkable." I believe the intent is to allow augmentation of raw/pre-treatment water in impoundments.	Replace "potable" with "raw" so that it reads "... or raw water supply impoundments." Or edit to read "... or potable water supply impoundments prior to treatment."
173-219-700	c	Donna Buxton		Delete reference to 800.
173-219-700		HT	"Class B requirements under WAC 173-219-325 apply to all other uses. " What other uses? There should be none.	
173-219-700	(3) b ii	LOTT	This item includes a condition that states, "The reclaimed water is not being used as mitigation for new water rights..." In addition to providing mitigation to new water rights, could there be potential that a surface water augmentation project may be used as mitigation for existing or historic water rights as well?	If needed, add text referencing existing or historic water rights in addition to new water rights; or, delete "new."

173-219-700	(3) b ii	LOTT	Reference to WAC 173-219-150(6) – there is no (6)	Change the citation to match whatever it's supposed to be.
173-219-700	3(b)ii	LOTT II	Should this clause refer to water right changes as well as new water rights? There is no 173-219-150(6). I note this section is for any new water right, whereas -740 applies only to new surface water rights.	
173-219-710	(1) (d)	DOC	insert the word "illustrate" after the applicant shall...	"illustrate"
173-219-710	(1) e, f, g	DOC	Insert the word reasonable after seepage (e), before time in (f), and before monitoring in (g).	Insert the word reasonable after seepage (e), before time in (f), and before monitoring in (g). Done 4/5/2010.
173-219-710	all	King County	Are these standards the same as apply to those using natural water bodies for conveyance under RCW 90.03.030? Does Ecology require all persons using this authority to meet the federal and state requirements under chapter 90.48 RCW, and be issued an NPDES permit? Reclaimed water should not be subject to any more stringent standards. Ecology should supply a rationale for these requirements, including other, less burdensome alternatives considered. These requirements could be very burdensome and unnecessary, requiring possibly a number of complex and expensive hydrological studies.. For instance, are they comparable to requirements that Ecology imposes upon applicants for changes and transfers of water rights; if not, why the difference? Ecology also needs to explain what is meant by "will not be diverted or otherwise lost in the intervening reach" in subsection 2(f). For instance, is Ecology assuming that the reclaimed water may legally be diverted by another person in the intervening reach?	
173-219-710	2	King County	See comments on previous section re lack of a description of a "combined permit" in -220, the lack of a need to repeat the requirement for "adequate and reliable treatment," the use of undefined terms.	

173-219-710		King County	Under "applicability," the following sentence should be added: "The owner of reclaimed water shall have the same right to convey water in the state's natural streams or lakes as does the user of any other water under RCW 90.03.030, subject to the same standards and provisions in that section." In subsection (1), "which" should be "that." Subsection 2 should not start with subsection (c).	
173-219-710		HT	"Class B requirements under WAC 173-219-325 apply to all other uses. " What other uses? There should be none.	
173-219-740		King County	Is there an implied assumption that reclaimed water may be used for mitigation? If so, this section should state that. As it reads, it simply says that a person may apply to Ecology for its use as mitigation water. In addition, why limit the mitigation use to "new" water rights; can't it be used for changes/transfers of existing rights? And this section should not be requiring a new water right be issued under chapter 90.03 RCW, and instead should leave that decision to Ecology's WRP; the language should read something like "The approved use of reclaimed water for mitigation of water rights shall be included in any permit issued under this chapter, in addition to any permits required by Ecology under chapter 90.03 RCW."	
173-219-740		City of Lacey	Section 740 is specific to mitigating surface water rights, yet section 840 is just for "new" water rights. These need to be revisited.	
173-219-740	(2) a	City of Lacey	Also, section 2 a) implies that another application besides a water right application needs to be submitted to use reclaimed water for water rights mitigation. The process for getting a mitigated water right is onerous enough as it is and does not need another application to complicate processing.	
173-219-740	and 840	LOTT	The titles of these two items are not consistent although they address parallel topics.	Revise the title of 840 to read "Use of reclaimed water for mitigation of new water rights."
173-219-740 (1)	And 840 (1)	LOTT	This clause has far broader general importance for reclaimed water distribution and use, and should not be limited to the mitigation sections only.	Move this clause to some other more general section addressing distribution and use – possibly designate a new sub-section titled Exclusive Right (possibly 400 under Part V)

173-219-740 (2)	And 840 (2)	LOTT	By specifying only the “owner” may apply, this could be interpreted to prevent LOTT’s partner jurisdictions (Lacey, Olympia, Tumwater, and Thurston County) from being able to apply. Yet, as contracted distributors and users for LOTT’s reclaimed water, that’s exactly what they’re already doing and/or planning. Also, as worded, it only says we can apply; it doesn’t allow that use to occur.	Change the wording to something like: “Reclaimed water may be used as mitigation for new [water] [groundwater] rights.”
173-219-740 (2)	740 (20 b and 840 (2)	LOTT	740 2) has an added clause (b)) that’s not in 840 2), dealing with issuance of a water right permit in addition to a reclaimed water permit. As an added use, it doesn’t seem like a new reclaimed water permit would be needed, although a modification might be required if that use hadn’t previously been designated. If a water right permit would apply to both of these clauses,that needs to be stated in both places.	The wording and format need to match within these two sections.
173-219-810	(2(2) b iv	LOTT II	Does the maximum total nitrogen level of 5ppm hold even if an aquifer has a background N of >5 ppm?	
173-219-810		Evergreen Valley	Use of the Groundwater standards for surface and vadose zone aquifer recharge goes beyond the intent of the statute requirements, making the rule more difficult and burdensome for the project applicant. This flies in the face of encouraging reclaimed water use, and creates an additional barrier rather than removing one. Early in the process the RAC discussed standards based on potential risk. I see nothing here that addresses that issue. This section of the rule sets a very high standard for all projects to meet with no flexibility based on risk. When reclaimed water aquifer recharge is being considered as an alternative to or replacement for onsite septic systems Class A reclaimed water meeting drinking water standards seems a more than adequate alternative.	
173-219-810	(2) d	Evergreen Valley	The meaning of “enforcement limits” is unclear. Does this mean that the requirements of section 173-219-810 2) b) must be met at a minimum and then additional requirements may be set? Or does it mean that requirements either less or more stringent than section 173-219-810 2) b) may be set under 173-219-810 2) d)?	Clarification.

173-219-810	(2) b ii	Evergreen Valley	WAC 246-290-310 (8) (b) States that purveyors “ <i>Purveyors may be directed by the department to comply with state advisory levels (SALs)</i> ” I would suggest that this language is less burdensome and restrictive and complies with policies already established in WAC for dealing with SAL’s. That way, if the lead agency feels that initial testing indicates a problem with a contaminant listed with a SAL they can require continued testing rather than just automatically requiring it. These tests are typically very expensive.	Language change.
173-219-810	(2) e iii	Evergreen Valley	If the point of compliance is end of pipe, is there any need for a monitoring program in the groundwater? This seems to be a “belt and suspenders” approach and is overly burdensome and costly - especially to smaller projects.	
173-219-810	1	King County	Consider using the terminology from the definition in re "controlled application," as opposed to the use of the term "planned." The term "groundwater recharge" is not defined in statute or rule.	
173-219-810	2c	King County	It is not clear whether the point of compliance is to be determined by the lead agency (which is implied in the introductory sentence), or by the permittee (which seems to be explicitly authorized in subsection (c)(iii) but not in any other of the proposed compliance points. This is confusing. If it is the permittee's option at all times, this subsection should say that. In any event, the lead agency should not be able to require monitoring beyond the point of discharge unless the permittee agrees.	

173-219-810	2d	King County	<p>What is an "enforcement limit?" It has no definition in either statute or the draft rule. King County reiterates its previous comments with regard to the laundry list of factors that may be included by the lead agency in evaluating "enforcement limits, including the fact that making "case-by-case" determinations, and allowing decisions to be made on unspecified "other pertinent" factors that are not listed, authorizes potentially arbitrary and capricious lead agency decisions. The laundry list of factors appears to create standards that are not authorized in state law, and are not required of other projects. Each factor needs to have a rationale, an economic analysis, and a least burdensome analysis done for them. Ecology cannot require, under the state's antidegradation policy, that reclaimed water meet higher standards than those in statute, since the Legislature has already declared (in RCW 90.46.005) that use of reclaimed water as described in the law is not inconsistent with that policy.</p>	
173-219-810	2e	King County	<p>Subsection (ii) should say that if the project is an ASR project, it needs to include the requisite information.</p>	
173-219-810	2e	King County	<p>There should be no monitoring program required if the reclaimed water meets relevant standards at the discharge point. This is an unnecessary and burdensome requirement that could substantially increase project costs, and deter or preclude otherwise beneficial projects. When the project proponent prefers a compliance point in the groundwater column, we suggest adding flexibility to allow sampling exceptions where a history of compliance can be shown.</p>	

173-219-810	2e	King County	<p>The lead agency should not be able to require a pilot plant study. As written, any time reclaimed water is proposed to recharge a "potable groundwater aquifer" [which is a phrase not defined in the rule], the lead agency can require a pilot plant. That implies that in many, if not all, cases, the lead agency will require such a study--which is expensive, and will act as a deterrent to such projects. There are also vague standards to be met--e.g., "protect public health and the environmental integrity of the site," which are not defined. It appears that other standards--e.g, "evaluate the effect reclaimed water will have upon the groundwater aquifer," and no "measurable levels of pathogenic bacteria, parasites, and viruses"--require demonstration of the plant to meet more stringent criteria than are otherwise required for groundwater recharge projects. In short, it appears as though this requirement could generate denial of a project even if it would otherwise meet groundwater recharge criteria in this section of the rule. The pilot plant studied should only be required if there is a proposed technology that has not demonstrated its ability to</p>	
173-219-810	2b	King County	<p>King County reiterates its position that Ecology cannot, and should not, require compliance with standards that are more stringent than the standards currently in RCW 90.46.080, unless it provides justification and economic/least burdensome analyses. It also cannot and should not elevate existing State Advisory Levels--which are not numeric standards to be met, but are action levels triggering additional monitoring--to numeric standards for reclaimed water, in effect creating even more stringent reclaimed water standards. We were unable to even review the State Advisory Levels since they are not listed in the WAC and thus far Department of Health has been unable to provide them upon inquiry. The additional requirements far exceed what is required for other types of water uses such as stormwater swales and infiltration ponds.</p>	
173-219-810		King County	<p>King County reiterates its general comments above, re surface water, suggesting that there is no need to repeat the requirement that these uses meet treatment requirements expressed elsewhere in the rule.</p>	

173-219-810		City of Lacey	This section is rather ambiguous. It would appear that the rule provides for a dilution or treatment/attenuation zone that could be within the discharger's property boundary. Or it could be beyond the boundary. The treatment standard could be one of many. While flexibility is appreciated, this lack of clarity will likely lead to hours of meetings with regulators negotiating the appropriate points of compliance and treatment standards. Also, there is a logical discrepancy between what is being proposed here for reclaimed water and what is already allowed for septic systems. Residential septic system do not need to have NPDES permits, they percolate wastewater of much greater strength than class 'A' reclaimed water, and there is no ground water quality standard set at a point of compliance located at the property boundary. While there is no disagreement about the need to protect groundwater quality since it is a source of drinking water, the great disparity between how septic effluent is regulated and the requirements proposed for class 'A' reclaimed water percolation are glaring.	
173-219-810	(2) b & (2) d	City of Lacey	It confusing to have two different sections on limits ("criteria" and "enforcement limit") that must be met at the point of compliance. It also needs to be clearer whether all projects will receive case-by-case enforcement limits. If all projects get enforcement limits, section 2b seems unnecessary.	Combine sections 2b) and 2d) into one section regarding limits that need to be met at the compliance point
173-219-810	(2) b ii	City of Lacey	I couldn't find a list of SALs on DOH's website, nor the 1996 publication that is cited in WAC 246-290-310(8)(b). Considering that the groundwater standards are more comprehensive and stringent than drinking water standards for many contaminants, it seems unnecessary to include SALs in these sections.	Remove (2) b ii from this section.
173-219-810	(2) d & (2) e	City of Lacey	Why are the requirements for enforcement limits and engineering reporting so much more explicit for groundwater percolation than for direct groundwater recharge in section 820 2)d) and 2) e)? It's especially not clear why ASR standards would need to be met for a groundwater percolation project (section 820 2) e) ii). ASR projects are addressed in section 830.	

173-219-810		DOH 1	A bunch of different ways to say the same thing....	This section applies to the planned application of reclaimed water for groundwater recharge by surface or vadose zone percolation. "Surface percolation" means the controlled application of water to the ground surface or to unsaturated soil for the purpose of replenishing groundwater.
173-219-810	(2) a & b	LOTT	Percolation to groundwater – depending on the point of compliance determined, this portion of the rule is confusing – 2) a) iii) states a reduction to 10 mg/L of Nitrogen (TKN is the assumption) by treatment process; while 2) b) iv) states treatment to an annual average of no more than 5 mg/L of TN with no sample higher than 10 mg/L of TN	
173-219-810	(2) d 5	LOTT	If used to limit or deny a project, this provision could be in conflict with existing statute (90.46.005, 5 <sup>th</sup> paragraph) which states: “The legislature further finds and declares that the use of reclaimed water is not inconsistent with the policy of antidegradation of state waters...”	
173-219-810		LOTT	Strict water quality requirements for groundwater recharge projects imposed by the Draft Rules may result in technological and economic challenges for reclaimed water generators and purveyors. Conventional treatment technologies for generating reclaimed water, including existing facilities, may not provide adequate treatment for the proposed water quality requirements. Although the cost for various membrane and reverse osmosis systems has declined slightly in recent years, these treatment methods are cost prohibitive for many potential reclaimed water utilities. The draft rule does not provide insight into potential options for existing facilities that may not comply with the revised water quality criteria. It is implied that existing facilities will be required to comply with the proposed standards of the draft rule at the time of permit renewal. If existing facilities do not meet the water quality criteria of the Draft Rule, the consequences and/or potential options are unclear.	

173-219-810		LOTT	The location of a point of compliance may provide some flexibility for a facility limited by the water quality requirements and treatment technology; however, many areas that could potentially benefit from groundwater recharge projects are highly developed and lack the availability of suitable land for a recharge site of sufficient size to incorporate sufficient mixing and constituent degradation between the point of recharge and potential property boundaries.	Flexibility is needed to support the utilization of off-site points of compliance provided the requirements for protecting sensitive receptors are met.
173-219-810		LOTT	Many applications of reclaimed water use allow for blending with potable or non-potable water to ensure that water quality requirements are met, and the process is widely used for irrigation applications. Blending is not addressed in the groundwater recharge sections of the draft rule; however, it may provide a cost-effective means of meeting water quality criteria.	To assist with technological or economic challenges associated with meeting the water quality requirements for groundwater recharge projects, the draft rule should incorporate an option for blending potable or non-potable water with the reclaimed water stream prior to entering the recharge facility.
173-219-810	2a	LOTT II	Do the requirements of 2(a) constitute AKART for the purposes of WAC 173-200? If not, confusion will ensue and reclaimed water percolation will likely not advance.	
173-219-810	2b	LOTT II	regarding 2(b)(iv): Will the standard of 5 mg/L total N in this section trump the process for establishing an enforcement limit under WAC 173-200? Or, is the process of WAC 173-200 to establish enforcement limits to be applied literally to reclaimed water projects, and the lower of any standard adopted? In general, I foresee conflicts and confusion resulting from the combination of water quality criteria that are unique to this regulation, and references to the existing WAC 173-200.	
173-219-810	2b and d	LOTT II	What process will be applied to establishing point of compliance criteria if groundwater background is above 5 mg/L total N? Or above an MCL, SAL, or GWCL?	
173-219-810	2c	LOTT II	Define "property boundary". Is it the parcel within which the site lies, or all land owned by the generator/recharger?	
173-219-810	2c(ii)	LOTT II	Virtually all groundwater is connected to surface water. What is intended here? Very vague.	
173-219-810	2c(iii)	LOTT II	After possible blending?	
173-219-810	d(ii)	LOTT II	vague. What groundwater quality criteria are being referenced, exactly?	

173-219-810	e(iv)(5)	LOTT II	What is toxilogical testing? I don't think we want to run bioassays on humans! If toxilogical testing means a tox study of a single chemical on humans, that process is not site specific and is not within the expertise of anybody typically involved with development of reclaimed water projects. EPA contractors and the like do that work and it takes years and decades. This clause should be deleted. EPA takes the lead in establishing MCLs based on this type of work and it should be left to them and that process. This regulation already encorporates MCLs and SALs into the process.	
173-219-810	(2) e iv	LOTT II	Is it the intention of the rule that the pilot study must be performed with reclaimed water discharged to the aquifer (rather than with potable water and supplemental calculations)? That is a lot of construction cost (build pipelines to site, etc) when you don't know you have approval for the project yet.	
173-219-810 (2)	2b and d	LOTT II	The likelihood that treatment changes will be required to meet changing MCLs, SALs, GWQS and thus enforcement limits at the point of compliance is a big concern of the regulated community and those interested in future use of reclaimed water through percolation. Current systems and plans are based on meeting State MCLs at the point of compliance. Introduction of SALs as criteria as proposed in this draft will likely accelerate the pace of change including possible immediate inclusion of new chemicals. Likewise introduction of GWQS as proposed in this draft will make enforcement limits harder to meet. Under the proposed conditions, it will become less and less likely that an operator can meet enforcement limits at the point of compliance by meeting existing treatment standards at the end of the pipe. The unquantified risk that treatment standards will be insufficient in the future will reduce the quantity of wastewater reclaimed, and possibly reduce overall environmental benefit. If retained, the reference to groundwater quality standards of WAC 173-200 should be clarified. Will WAC 173-200 be used to develop the enforcement limits or is there a separate process for this regulation? If retained, committee	
173-219-810 (3)		City of Lacey	This does not look like a stand-alone section	This does not look like a stand-alone section
173-219-810 (4)		City of Lacey	It is not clear why this section is included for groundwater percolation yet it's not required for direct groundwater recharge or for ASR.	

173-219-810 et seq		King County	King County reiterates its comments and concerns expressed re earlier versions of this rule re the onerous conditions and restrictions placed on the use of reclaimed water to recharge groundwater. Such provisions are burdensome, costly, and do not meet the objectives of the Legislature to expand the use of reclaimed water. They are also inconsistent with the wise management of the state's water resources, as reiterated in Ecology's mission: "The Mission of the Department of Ecology is to protect, preserve and enhance Washington's environment, and promote the wise management of our air, land and water for the benefit of current and future generations."	
173-219-820		King County	King County generally reiterates its comments on previous versions of the draft rule, and comments with regard to Section 810, with regard to the stringency of the standards, the vagueness of some requirements, and the prescription of treatment options (rather than relying on numeric standards to be achieved by the treatment).	
173-219-820	(2) b ii	City of Lacey	I couldn't find a list of SALs on DOH's website, nor the 1996 publication that is cited in WAC 246-290-310(8)(b). Considering that the groundwater standards are more comprehensive and stringent than drinking water standards for many contaminants, it seems unnecessary to include SALs in these sections.	Remove (2) b ii from this section.
173-219-820	(3) b	LOTT	2 <sup>nd</sup> line – "requiremens" is missing a "t."	
173-219-820	2(a)(iii)	LOTT II	In 820, the N standard is for treatment, whereas in 810 the same N standard is used as performance standard to be measured at the point of compliance. Is that intended?	
173-219-820	2(b)	LOTT II	Note numbering differences between 810 and 820.	
173-219-820	2 c	LOTT II	Although it is technically advisable to monitor changes occurring in an aquifer receiving reclaimed recharge, the end-of-pipe point of compliance is all that is necessary to establish that the treatment process is meeting performance criteria. For compliance purposes, consider using only a single point of compliance when it is the end-of-pipe (ie: when there is no uncertainty about what you are measuring).	
173-219-820	(2) c ii	LOTT II	This phrase seems to say that any point downgradient of the property boundary could be used as a point of compliance. Seems like a typo.	

173-219-820	3	LOTT II	I expect that the State could benefit from allocating some currently unusable aquifers or potential aquifers (currently dry) for future non-potable uses, and thus increase opportunities for reclaimed water use or irrigation and other non-potable uses. This clause 3(d) limits opportunities for reduced treatment requirements to the extremely saline "non-potable" category. For instance, there are aquifers that are not definable as "non-potable" by this regulation, but that nonetheless have no development potential because of low saturated thickness and/or salt water intrusion potential (Ecology has denied water rights on the basis of salt water intrusion potential). Recharging to these aquifers could increase groundwater heads, reduce the potential for salt water intrusion, and increase groundwater and economic development in general. Consider including such aquifers in 3(b) for reduced treatment requirements.	
173-219-830	subsection (2)(b)(iii)	King County	The sentence "groundwater recharge accomplished using reclaimed water must not be available for re-appropriation to additional water rights applicants" is language that should be inserted into both the groundwater recharge and surface water augmentation standards sections. We think it expresses the concept the RAC has requested apply to all these situations--i.e., that Ecology may not reappropriate water made available temporarily under a groundwater recharge or streamflow augmentation five-year reclaimed water permit, and somehow obligate the reclaimed water facility owner to continuation of that use.	
173-219-830		King County	King County has no current ASR projects planned, but could in the future. We would question whether the detailed requirements in subsection (2) are taken directly from the ASR WAC, and if so, why they need to be repeated here; in addition, if the ASR WAC were to be amended in the future, to the extent subsection (2) contains the same provisions, it would also have to be amended. A less costly alternative might be to simply refer to those provisions (as the statute refers to ASR provisions). We would also question the necessity and authority for subsection (2)(b)'s proposed limit on a specified timeframe for recovering the reclaimed water, and the absence of any criteria for the lead agency's making this determination. This subsection is confusing.	
173-219-830	2b)iii	Bill Peacock	Please explain better	

173-219-830	(2) a	LOTT II	Minimum retention time for ASR of 6 months and travel distance of 2000 feet. Clarify that ASR with reclaimed water couldn't use a dual purpose (injection/recovery) well, as one could not achieve the 2000' distance and the 6 month would be difficult too. Is this the intention of the rule?	
173-219-830	(2) b	LOTT II	It may help to clarify how recharged reclaimed water can be used to support new water rights by other applicants. It seems like the reclaimed water can't be issued as a new water right, as it is already included under an existing right. However, Section 840 (about using reclaimed water for mitigation of new water rights) does not specify whether the water rights to be mitigated are controlled by the operator or by a new applicant. This implies it could support new water rights by <del>people other than the operator.</del>	
173-219-840		King County	King County reiterates its comment above re surface water, to with, the need to expressly authorize in this rule the use of reclaimed water as mitigation for groundwater water rights (both new and <del>changed/transferred</del> ).	
173-219-840		City of Lacey	Section 740 is specific to mitigating surface water rights, yet section 840 is just for “new” water rights. These need to be revisited.	
173-219-840		City of Lacey	This section needs to be re-worded. See (Lacye's) comments for 740. This section is problematic for Lacey/Olympia Yelm/Tumwater’s plans to use reclaimed water for water rights mitigation.	
173-219-840 (1)		City of Lacey	Sub-section (1) should include that whereas facility owners have exclusive rights to reclaimed water they generate, they may enter into long-term agreements that could allow reclaimed water users to use <u>reclaimed water for water rights mitigation</u>	
173-219-840 (2)		City of Lacey	Sub-section (2) limits “application” to facility owners with the reclaimed water permit. This means that the LOTT partner cities may not be allowed to “apply” to use reclaimed water for water rights mitigation. Alternatively, the language would require LOTT to be directly part of water rights mitigation although LOTT is not applying for a water right and would not be operating the water rights mitigation facilities. The agreements that specify allotments of reclaimed water to each city should be sufficient to show that reclaimed water is available <del>long-term for mitigation purposes</del>	

173-219-910	1	King County	First sentence should be something more like "When the lead agency has sufficient information to reasonably believe that a person has violated, or is likely to violate, chapter 90.46 RCW, ...." There isn't a formal "determination" at this point. In general, it would be helpful to know if this language was taken from some other enforcement WAC; as it is, it seems like comparison with enforcement provision language in other rules could help tighten the language.	
173-219-910	2 and 3	King County	Is this section consistent with the general enforcement provisions in state law? State law prescribes an approach that includes informal contact and efforts to resolve the issue, followed by informal compliance, followed by formal compliance. In addition, we assume that the economic analysis will review why certain periods of time--e.g., one year, or 14 days--were chosen, and whether alternative schedules that are less burdensome could be used. It is also not clear what some terms mean (e.g., is the "shortest, reasonable period of time" from the permittee's perspective?) And (3)(d) seems like a "formal enforcement" action, which should be in subsection (4). It also needs to have some kind of appeal process attached to it, if it includes possible revocation of a permit.	
173-219-910	4l	King County	The provisions on criminal sanctions seem pretty draconian. For instance, in subsection (c), any violation--whether knowing or not, whether reckless or wanton or not--may subject someone to criminal sanctions. That's pretty extreme. At least subsection (d) requires that the <u>alleged violation</u> be a "knowing" one.	
173-219-920		King County	This appears to be attempting to limit legal remedies of someone who is "aggrieved by" an agency decision. Generally, someone in that situation is required to exhaust administrative remedies before pursuing remedies in court. This seems to be saying that you can't go to court, unless the cited statutes allow you to. Such a limitation may be unconstitutional.	

173-219-920		DOH 1	Editing for clarification	Any person aggrieved by a decision made in accordance with provisions of this chapter may appeal that decision only as provided by law applicable to <del>that agency</del> the agency that issued the decision, including, but not limited to, chapter 43.21B RCW and chapters 34.05 and 90.46 RCW.
All Sections		King County	Don't like the rule refers to a "Part" of the chapter (for example - PART IV).	Suggest using the WAC code section reference instead. For example - WAC 173-219-460
All Sections		King County	Flexibility in applying the requirements based on unique projects is lacking. Could be achieved through net environmental benefit, if applied to all projects, not just wetland projects. Approaches to flexibility needs to be clearly drafted in guidance for Ecology's permit writers and clearly defined in the rule so permittees can understand their options.	
All Sections		King County	The references to other WAC sections in the March 5 draft is useful. We think that the phrase that is used to express the notion throughout the March 5 draft that the term is the same--"the term is used the same as defined in WAC...."--could be clearer and simpler. We would suggest: "the term has the same meaning as it is defined in WAC [insert WAC reference].	
All Use sections		HT	For all of the Use sections, the environmental contact language should be written explicitly to state that beneficial uses may not be adversely impacted.	
General		DOH 2	Comments in addition to those provided earlier	
Overall		Bill Peacock	I have reviewed King County's comments and am in agreement with the majority of the issues they bring with the following additions or modifications.	See revisions as expressed
Overall		Bill Peacock	I do not see any reference in requirements for facility security, or any vulnerability assessment for reclaimed water facilities	Add to language as required
Overall	NA	City of Lacey	We just want to offer our appreciation that many of our comments on the previous version were incorporated into this version.	

Overall	NA	City of Lacey	If Ecology wants reclaimed water to be used in appropriate ways thereby reducing the pressure our growing population is having on limited water resources, then the rule has to be written in such a way that it is easy to understand and easy to implement. The rule needs to help project proponents make use of reclaimed water in a manner that protects human health and the environment. The rule ought not be a stumbling block forcing Ecology and/or Health to prevent otherwise beneficial projects.	
Overall	NA	HT	Pharmaceuticals and personal care products are not mentioned anywhere in the rule. This omission is going to cause significant public perception problems.	
Overall	NA	HT	We support the use of state groundwater standards. This creates a direct method for protecting all beneficial uses.	
Overall		HT	Any water that is directly meant to go into groundwater (recharge, injection, etc) should be required to have baseline sampling for emerging chemicals of concern and pharmaceuticals	
Overall	NA	HT	The addresses of all proposed or existing locations of use of reclaimed waters should be included in fact sheets for individual permits and in appendices for general permits.	
Part IV or V	NA	LOTT	Trace organic compounds, microconstituents, PPCPs, EDCs, or whatever we want to call them – I believe we do need to include something in the rule to acknowledge the issue along with recognition that the science is not yet at a stage where meaningful and mandatory monitoring is feasible – probably in Part IV Adequate and Reliable Treatment or Part V Storage, Distribution and Use	
part4 - all sections		King County	Net environmental benefit needs to apply to all environmental enhancement projects, not just wetlands. The NEB needs to consider all the benefits and impacts of the entire project and if there is an overall benefit then the project should qualify for some flexibility in the rules and not have to follow every prescriptive requirement.	
part4 - all sections		King County	Due to the nature of wetlands, the way this is written all wetland projects have to meet groundwater standards unless you prove no hydraulic connection. The extra cost of treatment and studies if you assume all projects have to meet the groundwater section is prohibitive.	

Several locations	170 (2)	LOTT	<p>After all the time we've spent talking about reclaimed water terminology, and the importance of characterizing the product as water and a valuable resource, labeling it as "sewage" in the guidance context is a very great concern. And that's exactly what's happening by referring readers to the "Criteria for Sewage Works Design" many times throughout the entire draft rule. I understand that it may be difficult to compile a completely separate guidance document by the end of the year, but this approach could unravel much of the work we've been trying to do.</p>	<p>Pull the E1 chapter out of the orange book, add whatever additional guidance material you do have, and give it a new reclaimed water title. The previous draft referred to "Design Criteria for Reclaimed Water Systems." That's preferable. This will still allow you to use the existing document, but give it a more productive name.</p>
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