

<u>Item</u>	<u>Who</u>	<u>Section & page</u>	<u>Comment</u>	<u>Response</u>
General/Policy/Legal				
1	Frank N	Page 4 of 76 173-219-030 (2)(e)	Does this conflict with 90.46.110 discussion that producer has “exclusive control”	
2		Page 18 of 76 173-219-060(1)	How does this synch with 90.46.110(i), whereby producer has exclusive use?	
3		Page 18 of 76 173-219-070	What happens when a generator sells to a distributor for independent sales to third party? Who is liable for meeting applicable permit requirements?	
4		Page 27 of 76 173-219-160	Should this be in Part II or in guidance?	
5		Page 27 of 76 173-219-165	Should this be in Part II or in guidance?	
6		Page 27 of 76 173-219-170	Should this be in Part II or in guidance?	
7		Page 32 of 76 173-219-225	Should this be in Part II or in guidance?	
8		Page 37 of 76 173-219-270(1) and (2)	Given the costs for constructing such a facility; “5 years” seems a too short a time to replace or update permit since the permittee would have to begin two years after getting the previous one. It takes two to three years for the engineering and lead agency reviews currently. How about an 8 to 10 year cycle?	
9		Page 38 of 76 173-219-290(4)(a)	Should add the following words to the end of the sentence, “as submitted by Permittee and approved by lead agency”.	

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10		Page 38 of 76 173-219-290(4)(g)	Does not address the instance where the generator sells to distributor who in turn sells to a third party. Who has the liability?	
11		Page 49 of 76 173-219-420	Should be more discussion on liability: what it means, who has it; when it is transferred; and consequences.	
12		Page 52 of 76 173-219-440	Should specifically address setbacks from exempt wells and community systems source wells also.	
13		Page 54 of 76 173-219-500	Should there be a discussion regarding the use of reclaimed water for stream flow augmentation, and for stream enhancement? Maybe a reference to the Instream Flow Rule processes some WRIAs are adopting?	
14		Page 55 of 76 173-219-500 Table 1	Could carwashes be added to Cleaning – Indoor?	
15		Page 55 of 76 173-219-500 Table 1	Need to add “Environmental” as a Type of Use; and add “Aquifer Recharge” Streamflow Augmentation/Enhancement” to Outdoors Class A	
16		Page 57 of 76 173-219-540	BMPs: Any Dept of Ag guidelines that can be referenced? Or WDF&W? etal?	
17		Page 68 of 76 173-219-700(2)(d)	This is going to require approvals from other state agencies; this should add language that “lead agency is to obtain such approvals before making it a requirement of the permittee.”	

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18		Page 68 of 76 173-219-700	New section (#5) “Before requiring Permittee to augment streamflow, lead agency shall obtain approvals from other state and federal agencies that may be affected, particularly those involved in ESA protection and restoration.”	
19		Page 69 of 76 173-219-710(3)	Is it really necessary to get NPDES permit for a beneficial discharge of Reclaimed Water as approved by a lead agency?	
20		Page 69 of 76 173-219-710(4)	Another place where an interlocal amongst agencies is needed.	
21		Page 69 of 76 173-219-800(2)	Should “ART” be “AKART”?	
22		Page 69 of 76 173-219-800(3)	What does this mean, and who determines? What about meets criteria to protect specific species using same waters?	
23		Page 70 of 76 173-219-800(3)(c)i	Should give RCW or WAC that establishes that criteria	
24		Page 70 of 76 173-219-800(3)(c)xii	What does this mean and who decides what “[O]ther pertinent factors” are?	
25		Page 72 of 76 173-219-	Pilot Study should have its own WAC section, because f its importance and relative cost and time constraints.	
26		Page 73 of 76 173-219-830(1)	Should the professional hydrogeologist be licensed/registered in WA	

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27		Page 73 of 76 173-219-830(1)	What does this last sentence mean? Does it limit the use of reclaimed water for Instream Flow to only mitigations or reservations?	
Technical				
28		Page 71 of 76 173-219-820(1)(a) i	Is the detail needed in the Rule?	
Format, Presentation, Style, Wordsmithing				
29	Frank N	Page 1 of 76	173-219-170 & 173-219-250 did not align correctly	
30		Page 4 of 76 173-219-030 (1)	Recommend change word “governs” to “implements”	
31		Page 9 of 76 173-219-040	“Indirect Use” Add reference to 173-219-700	
32		Page 17 of 76 173-219-050(4)(b) ii	Remove space	
33		Page 18 of 76 173-219-050(5)(a) iii	Remove space	

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34		Page 19 of 76 173-219-090(3)	Remove line under this sentence	
35		Page 20 of 76 173-219-120(3)(e)	Remove space	
36		Page 20 of 76 173-219-120(3)(e)	Renumber major points, by changing the second 2 to a 4 and second 3 to a 5; and the 4 to a 6.	
37		Page 23 of 76 173-219-145	Reformat entire section	
38		Page 19 of 76 173-219-090(4)	Reformat beginning of sentence	
39		Page 27 of 76 173-219-160	Should this second 10 be a new major sub-topic 3?	
40		Page 28 of 76 173-219- 180(4)(c)iii-xv	Formatting	
41		Page 28/29 of 76 176-3-219-190(2)	Changes. Why bold? Declaration of Construction. Why bold?	
42		Page 33 of 76 173-219-240	Add period after “notifications”	
43		Page 38 of 76 173-219-280	Bold all of the title	
44		Page 44 of 76 173-219-340 etseq	Sometimes the study title “Design Criteria for Reclaimed Water Systems” is bolded, others it is underlined or italicized. Let’s just use one.	

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45		Page 53 of 76 173-219-450(2)	Something missing at end of this sentence? Or is the following lines and numbering system not quite right?	
46		Page 54 of 76 173-219-500	Section 4 not completed?	
47		Page 55 of 76 173-219-500 Table 1	“????????” in Personal under Outdoor Class A	
48		Page 56 of 76 173-219-520	Remove the word “and” in the phrase “non-potable use of reclaimed water when and applied as a . . .”	
49		Page 69 of 76 173-219-800(2)	Font change	
50		Page 69 of 76 173-219-800(3)(b)	Font changes	
51		Page 71 of 76 173-219-810(1)	Change reference to “section 800(1)(b)	
52		Page 71 of 76 173-219-820	Font changes	
53		Page 71 of 76 173-219-820	Title should include the word “groundwater”	
Definitions				

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54	Frank N	Page 6 of 76 173-219-040	“Beneficial Uses of Wetlands” should include reference to RCW 90.46.044	
55		Page 10 of 76 173-219-040	“Master Generator” should add reference to RCW 90.46.120(i)	
56		Page 10 of 76 173-219-040	Should add definition of “Municipal Water Resource(s)”	
57		Page 10 of 76 173-219-040	“Mitigation” means what? ? ? ?	
58		Page 10 of 76 173-219-040	“Net Environmental Benefits” why are we including crops? Would it be better to say “state waters, environmental habitats and improving ESA environments”?	
59		Page 13 of 76 173-219-040	“Significant Risk” a) Where does this show up in the text of the Rule? b) Who or how is this determined? And c) is there a requirement for mitigation of some other action?	
60		Page 13 of 76 173-219-040	“Streamflow augmentation or surface water augmentation” should include the following at end of sentence> “Subject to approvals from other State and Federal agencies (including, but not limited to: F&W; NMFS and US F&W) and having a bonafide interest in species and species specific habitat protections and crop protections (eg Dept of AG)”	