

# Washington Public Utility District Comments

**From:** John Kounts [mailto:JKounts@wpuda.org]  
**Sent:** Thursday, February 12, 2009 12:36 PM  
**To:** Gaffney, Tim (ECY)  
**Cc:** Don Perry; Walt Canter; Nancy Davidson  
**Subject:** RE: RAC Assignment Reminder

Hi Tim,

Can you tell me what you've received regarding proposed changes to WAC 173-219-A9 and A10 and WAC 173-219-A13?

For WAC 173-219-A10 (affecting water system plans), to make it consistent with what I believe is the relevant statute (RCW 90.46.120(3)), I would recommend the following change in No. 1:

## **WAC 173-219-A10 Consideration in water system planning required**

1. Except as stated in (2) of this section, any person submitting a water system plan to the department of health<sup>[1]</sup> must **evaluate** ~~include a feasibility study evaluating~~ opportunities for reclaimed water use as part of the submittal.
2. The requirements of this section do not apply to water system plans developed under chapter [43.20](#) RCW for utilities serving less than one thousand service connections.

A more stringent feasibility study approach, along the lines of the tiered approach suggested after the last RCW RAC meeting on Jan. 21, might be appropriate for sewerage planning as addressed in draft WAC 173-219-A9, but I'm not convinced that the law supports requiring water system plans to include a reclaimed-water feasibility study, only to "evaluate" reclaimed water, at a level of evaluation to be determined by the policymakers of the subject water utility.

Here's the text of the relevant statute (see subsection 3 in red):

### **RCW 90.46.120**

#### **Use of water from wastewater treatment facility — Consideration in regional water supply plan or potable water supply service planning — Consideration in reviewing provisions for water supplies for short plat, short subdivision, or subdivision.**

(1) The owner of a wastewater treatment facility that is reclaiming water with a permit issued under this chapter has the exclusive right to any reclaimed water generated by the wastewater treatment facility. Use, distribution, and the recovery from aquifer storage of reclaimed water by the owner of the wastewater treatment facility is exempt from the permit requirements of RCW [90.03.250](#) and [90.44.060](#), provided that a permit for recovery of reclaimed water from aquifer storage and recovery shall be reviewed under the standards established under RCW [90.03.370](#)(2). Revenues derived from the reclaimed water facility shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of system-wide funding.

(2) If the proposed use or uses of reclaimed water are intended to augment or replace potable water supplies or create the potential for the development of additional potable water supplies, such use or uses shall be considered in the development of any regional water supply plan or plans addressing potable water supply service by multiple water purveyors. Such water supply plans include plans developed by multiple jurisdictions under the relevant provisions of chapters [43.20](#), [70.116](#), [90.44](#), and [90.82](#) RCW, and the water supply provisions under the utility element of chapter [36.70A](#) RCW. The method by which such plans are approved shall remain unchanged. The owner of a wastewater treatment facility that proposes to reclaim water shall be included as a participant in the development of such regional water supply plan or plans.

(3) **Where opportunities for the use of reclaimed water exist within the period of time addressed by a water system**

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<sup>[1]</sup> Citation needed.

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plan, a water supply plan, or a coordinated water system plan developed under chapters [43.20](#), [70.116](#), [90.44](#), and [90.82](#) RCW, and the water supply provisions under the utility element of chapter [36.70A](#) RCW, these plans must be developed and coordinated to ensure that opportunities for reclaimed water **are evaluated**. The requirements of this subsection (3) do not apply to water system plans developed under chapter [43.20](#) RCW for utilities serving less than one thousand service connections.

(4) The provisions of any plan for reclaimed water, developed under the authorities in subsections (2) and (3) of this section, should be included by a city, town, or county in reviewing provisions for water supplies in a proposed short plat, short subdivision, or subdivision under chapter [58.17](#) RCW, where reclaimed water supplies may be proposed for nonpotable purposes in the short plat, short subdivision, or subdivision.