

Reclaimed Water Removing Barriers Sub-Task Force Meeting
February 26, 2008
1:00 p.m. - 4:00 p.m.

Welcome and Introductions

Ecology (Kathleen Emmett) welcomed task force members and asked for introductions. Kathleen mentioned that she would be leading the meeting since Melissa MacEchron had left Ecology to accept a promotion at DOH. Ecology will begin interviews for her replacement soon.

Ecology provided a timeline slide showing the four committees working on reclaimed water tasks and highlighting deadlines for agency request legislation. For the 2009 legislative session, draft recommendations must be ready by the end of June. This would allow a month to polish the recommendations and still meet Ecology's deadline of August 1, 2008 for completion.

Walt Canter suggested that Ecology provide members with a binder to refer to documents during meetings. Ecology takes this under advisement.

Task #1 – Agency Staffing Recommendations

Ecology staff provided a review of Ecology and DOH current staffing, projected workload and proposed workplan for permitting and submittal review. The Rule Advisory Committee (RAC) recommended that one agency serve as lead for seamless coordination. Based on current responsibilities Ecology takes the lead for most tasks and Ecology's Water Quality Program (WQP) carries the largest responsibility for on-going workload.

Current Staffing Levels at Ecology – Full Time Equivalent (FTE)

- 2 permanent FTE plus 3 temporary project positions to develop the rule.
- Water Resources Program (WRP) and WQP support.

Current Staffing Levels at DOH

- 1 permanent FTE
- 1 temporary FTE

Previous Suggestions to Reduce Staffing Barriers

- Ecology and DOH need staffing resources *after* rule development. FTE workload includes:
 - Project implementation (feasibility studies, coordinated planning, engineering and hydrogeologist reviews, permits and compliance issues)
 - Program policy and implementation guidance.
 - Program education and outreach – training
 - State wide program coordinator to provide organizational direction across programs and agencies

- Subtask members suggested considering if an outside efficiency expert could provide a more in-depth review of needs both scope of work and funding requirements.

Current Reclaimed Water Project Workload

- 4 projects currently under construction
- 40 “active” projects in the feasibility, planning or design stages
- 27 potential projects in the works

The question is what resources will Ecology and DOH need for the future project workloads? When the rule is finished in 2010, if additional resources are not allocated by the Legislature, Ecology will only have 2 FTE positions in WQP and DOH will have 1 FTE to work on reclaimed water (RW) projects.

For historical staffing reference, Ecology noted that 1999 legislation provided four fulltime positions at Ecology for conservation and water reuse. Two of these positions went to the WQP for reclaimed water and two positions to the WRP for conservation. WRP does not have a position dedicated to reclaimed water. WRP uses existing permanent staff to work on these projects. WRP work is intermittent when new projects are proposed, not on going like the WQP workload. WRP must consider how to staff for an intermittent workload.

Discussion

Ecology stated that several interagency workgroups meet regularly. There is a policy level group (The Interagency Senior Management Policy Team) consisting of the Ecology WQ Program Manager, the Ecology WR Program Manager, the DOH Director of the Office of Shellfish and Water Protection and the DOH Director of the Office of Drinking Water. Ecology also hosts an interagency staff level workgroup that coordinates on RW projects. Both meet monthly. The agencies have held additional senior staff coordination meetings for RW rule development.

Members noted that staffing needs also depended on funding for projects. The long-term funding taskforce provided recommendations to the legislature for consideration in 2009. The funding task force recommended a new source of funding for these projects. The other question is an adequate budget for staffing. Permit fees may be a funding source but could also be a barrier if they are too high.

Agreements

- Agencies will need additional permanent staff to support reclaimed water as a long-term program.
- Coordinating projects through the staff level workgroup is a good idea.
- Based on assumptions presented, a reasonable number of projects for one FTE might be 10-12 per year.
- Four regional Ecology WQP FTE (one per region) seems appropriate.
- Two FTE for DOH (one east and one west side of the state).
- Obtaining adequate budget for FTEs may be a barrier.

Ecology Action Items

- Investigate developing a predictive mechanism to project incoming projects and request appropriate staffing needs.
- Develop a staffing matrix, including the work not funded (not billed) to reclaimed water.
- Bring proposal for staffing and workload recommendations to the March 2008 meeting.
- Investigate permit fees as a cost recovery mechanism to fund resources without putting extra burden on reclaimed water projects.
- Consider a 3rd party reality check of work loads and assumptions.

Task #2 - Coordinated Planning – Harmonizing Statutes

Ecology invited representatives for CTED and Ecology's SEA program for this discussion. Ecology provided a PowerPoint presentation. Governor Gregoire directed Ecology to work with legislative leadership to assure harmonization of statutes for effective implementation of the 2007 coordinated planning requirements added to RCW 90.46.120. Ecology consulted the Office of the Attorney General. The AG office suggested two methods to accomplish this work:

1. Direct revisions to each statute referenced in RCW 90.46.120, or
2. Revision to RCW 90.46.120 for clarity.

The subtask force discussed these two options. Invited CTED representatives noted that the citation in RCW 90.46.120 to the 'utilities element' under the Growth Management Act (GMA) - RCW 36.70A, was not appropriate and should be corrected. They recommended deleting the phrase.

Most members present thought that revisions to the GMA regulations (WAC [365-190](#) and [365-195](#)) and guidance instead of statute would be more effective. Several suggested an executive order as a way to expedite the development of guidance and regulations on this issue.

Agreements (Recommended Approach)

- RCW 90.46.120 needs correction to remove the improper reference to RCW 36.70A.
- Since the Attorney General's Office believes the statutory direction is constitutional, other statutory changes are not necessary, and opening up the statutes could lead to unintended consequences.
- The simplest approach is to add the coordinated planning requirements for reclaimed water to all applicable regulations and guidance as they are revised.
- An executive order would help expedite the development of guidance and regulations.

Ecology Action Items

- Develop draft language for executive order stating that the appropriate agencies revise applicable guidance documents and regulations to include coordinated planning consideration for reclaimed water use.
- Work with CTED to revise GMA regulations to reference reclaimed water (RCW 90.46) in planning documents.

Task #3 – Water Use Efficiency and Water System Plans

Ecology invited Mike Dixel, DOH Drinking Water Program, to attend this part of the meeting. Ecology noted that this assignment came from Section 10(1) of E2SSB 6117 in the 2007 legislative session. The task involved review current water conservation and water reuse plans completed in Chapters 4, 5 and 8 of the 2007 legislative report.

[2007 Report](#)

Remaining work for the subtask force includes:

- Consider and recommend provisions on including reclaimed water use criteria or requirements as an element of water use efficiency requirements and water systems or plans (RCW 70.119A.180, Chapters 43.20 and 70.119 RCW)
- Consider and recommend provisions on the current and potential use of the following planning requirements or methods to address reclaimed water:
 - Water Conservation plans or ordinances.
 - Water conservation in regional watershed plans.
 - Water conservation programs, where the DOH does not require potable water.

Discussion

Members discussed how best to accomplish this work. DOH presented information and a handout of their 2007 guidance for evaluation of opportunities within water supply plans. The guidance is located in the DOH *Water Use Efficiency guidance document* (PUB. #331-375) page 30. The subtask force suggested that DOH may need to develop more detailed guidance and addressing the requirements for evaluation of opportunities for reclaimed water use. Ecology noted that this evaluation was similar to the feasibility plan required for consideration of reclaimed water use within sewerage plans.

Agreement

- Ecology and DOH should work together to see if there is a joint guidance do additional work on the guidance documents for feasibility studies.
- Ecology and DOH should work toward developing one joint guidance document and checklist regarding the content of a feasibility study to evaluate opportunities for reclaimed water use.

Task #4 -- Next Meeting

The next meeting will be a half-day March 27. In addition to the tasks under way, the subtask force will begin work on incentives. To prepare for the meeting, review the following document:

[Environmental Law Institute 2008 Report on Incentives for Reclaimed Water Use](#)

Meeting Attendees

Facilitator

Penny Mabie, EnviroIssues

Guests

Mike Dexel, DOH

Tim Gates, CTED

Lynn Kohn, CTED

Bill Zachmann, Ecology

Department of Ecology

Katharine Cupps, Agency Lead

Kathleen Emmett

Jennifer Busselle, Note Taker

Eugene Radcliff

Jim McCauley

Department of Health

Maryanne Guichard, Director, Office of Shellfish and Water Protection

Members Present

Clint Perry, EGV Utilities

Walt Canter, WASWD

Tim Wilson, City of Lacey

Dave Monthie, King County

Lars Hendron, City of Spokane