Reclaimed Water Rule Making Advisory Committee
Meeting Notes
Monday, November 03, 2014

Attendees: see attachment

Assignments:

- Rule review and comments: **TODO:** Ecology provide Committee members with a Word version of the Rule to underline/strikeout language and/or provide comment bubbles with explanation of edits. **TODO:** Committee submit comments to Ecology by Friday, December 5, 2014
- Manual (Purple Book): **TODO**: Ecology complete comment matrix for questions related to the Manual, work with the consultant to incorporated comments into the Manual. Provide to the Committee members as soon as possible.

Meeting Notes

Preliminary Draft Rule

- Provided a status of the current draft rule since the 2010 rule making suspension:
    - incorporated edits from Department of Health
    - Coordinated review and comments between Ecology Water Quality and Water Resources Programs to clarify the Water Right Impairment Evaluation process
    - Conducted inter-agency coordination meeting to discuss issues/resolution
- Discussed the known 'lingering issues' from the previous Advisory Committee
    1. Water Rights Impairment Evaluation – presented in **Topic Focus** below
    2. Statute amendments: "upstream/downstream" and "existing" water rights: Water Resources Program will be responsible for submitting a statute amendment to include 'upstream' considerations in the Impairment Evaluation, no timeline. 'Existing' water rights is defined in the Impairment Evaluation Section; existing water rights up to the point of an Evaluation being accepted by Ecology.
    3. Ground Water standards: In most cases, ground water standards are more stringent than drinking water standards and will be used for ground water recharge. This has been supported by legal opinion.
    4. Use "Parking Lot" to capture other rule-related issues: Participants stated issues are captured below

Topic Focus: Water Right Impairment Evaluation Process (Section 173-219-100) – Presentation provide with PowerPoint available on the Ecology Reclaimed Water website:
http://www.ecy.wa.gov/programs/wq/ruledev/wac173219/0612advisorycommittee.html

Parking Lot Issues

- Department of Health has reduced its role in permitting reclaimed water projects
- The 10-foot separation requirement is challenging to meet in utility congested areas
- Point of compliance
- More effort needed to highlight reclaimed water as a resource in the rule, for example when used for stream and wetland augmentation

DRAFT

- Are we meeting the five purposes of the rule?
    - Encourage the use of Reclaimed Water
    - Preserve Potable Water
    - Contribute to Instream Flows and Wetlands
    - Reduce Discharges to Puget Sound
    - Respond to Growth and Climate Change
- Need to be consistent between Orange Book and Purple Book in considering "land treatment" vs. "land application" for small systems
- Is the rule good for fish?
- Water Right Impairment Evaluation
    - How do pending water right applications, with a priority date of received, affect or get included in the Evaluation?
    - What is the level of detailed required in the Evaluation?
    - What happens if a water right status changes between the time the Evaluation is submitted and the project is permitted?
    - How do water right approvals take into consideration pre-existing permitted reclaimed water projects?
- What is the difference between Base Flow and Instream Flow?
- Once wastewater is treated to Class A or Class B…When does ~~ownership~~ [control] of treated wastewater change?
- Which has precedence? Water right or fish rights or tribal rights?
- Are the wastewater nutrient loads considered in the impairment analysis? Agricultural nutrient needs within the wastewater?
- Cost reimbursement: what if someone can't afford it?
- 173-219-160 Engineering Report: What format/form is used by Ecology?
- Add other water quality monitoring parameters to Reclaimed Water to protect environmental health
- How is ASR exempt from water right evaluation when it could impair a downstream user?
- Add "surface water source limitation" (SWSL) list to minimum instream flows and base flows. SWSL included flow recommendations
- Walla Walla has to discharge to irrigation districts. By court rule irrigation districts own water rights but the city cannot get an agreement. Ecology issued a permit (RW) with this understanding. Will new rule not honor the existing permit?

DRAFT

RECLAIMED WATER ADVISORY COMMITTEE November 3, 2014					
Initial Here	FIRST	LAST	COMPANY	ALTERNATE	email address
✓	STEVEN	BOESSOW	WDFW	•	
	BEN	BRATTEBO	SPOKANE COUNTY UTILITIES	•	
	DONNA	BUXTON	OLYMPIA, WA	•	
	KATHLEEN	COLLINS	WA WATER POLICY ALLIANCE	•	
	KIRK	COOK	DEPT AG	•	
	NANCY	DAVIDSON	SNOQUALMIE, WA	•	
	LLYN	DOREMUS	ECOLOGY	•	
	MAMDOUH	EL -AARAG	DOH	•	
✓	KATHLEEN	EMMETT	ECOLOGY	•	
	KARLA	FOWLER	LOTT	•	
	TOM	FOX	PRIVATE CITIZEN	•	
	JENNIFER	HOLDERMAN	ECOLOGY	•	
	RYAN	JOHNSTONE	YELM, WA	•	
	JIM	KIMBALL	JUD ENGINEERING	•	
	JOHN	KOUNTS	WA PUD ASSOCIATION	•	
	DENISE	LAHMANN	DOH	•	
	MIKE	LANGLEY	SUNLAND WATER DISTRICT	•	
	JOHN	MARKUS	TETRA TECH	•	
	LAURA	MERRILL	WA STATE ASSOC OF COUNTIES	•	
	ELAINE	PACKARD	SIERRA CLUB	•	
	BILL	PEACOCK	SPOKANE, WA	•	
	CLINT	PERRY	EVERGREEN VALLEY UTILITIES	•	
	LUCY	PETERSCHMIDT	ECOLOGY	•	
	BILL	PERSICH	BROWN & CALDWELL	•	
	CHRIS	PITRE	GOLDER ASSOCIATES, INC.	•	
	JOHN	POPPE	SILVERDALE UTILITY DISTRICT	•	
	PAUL	SCHULER	GE WATER & PROCESS TECH	•	
	JAY	SWIFT	GRAY & OSBORNE	•	
	DENISE	SMITH	LEAGUE WOMEN VOTERS	•	
	PETE	TJEMSLAND	SEQUIM, WA	•	
✓	STELLA	VAKARCS	KITSAP COUNTY	•	
	DAWN	VYVYAN	YAKAMA NATION/PUYALLUP	•	
	DIANA	WASHINGTON	ECOLOGY	•	
	KRISTINA	WESTBROOK	KING COUNTY	•	
	DARYL	WILLIAMS	TULALIP	•	
	KELLY	WILLIQUETTE	AIRWAY HEIGHTS, WA	•	
	DAVID	MOSS	SPOKANE COUNTY UTILITIES	ALTERNATE	
	KEN	BUTTI	LOTT	ALTERNATE	
✓	STEPHANIE	RAY	YELM, WA	ALTERNATE	
	DAVE	KLIEWER	JUD ENGINEERING	ALTERNATE	
	MARK	NELSON	EVERGREEN VALLEY UTILITIES	ALTERNATE	
	KEN	ALEXANDER	GRAY & OSBORNE	ALTERNATE	
	PAUL	HAINES	SEQUIM, WA	ALTERNATE	
	PATRICK	KONGSLIE	KITSAP COUNTY	ALTERNATE	
	JACQUE	KLUG	KING COUNTY	ALTERNATE	

Dennis McDonald Ecy

RECLAIMED WATER ADVISORY COMMITTEE November 3, 2014					
Initial Here	FIRST	LAST	COMPANY		email address
	Clair	Olivers	WASWD		clair@waswd.org