

# New Chapter 173-219 WAC Reclaimed Water

## **PUBLIC HEARINGS**

Spokane Valley, Washington

July 21, 2015

Ecology Headquarters & Webinar

July 23, 2015



# Overview of meeting

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**Introduction**

**Presentation on proposed rule**

**Question & Answer session**

**Public Hearing**



# New Chapter 173-219 WAC Reclaimed Water



# Presentation

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**Reclaimed  
Water Plant**

# What is this rulemaking about?

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Developing a New Chapter 173-219 to the Washington Administrative Code (WAC) entitled **Reclaimed Water**

Focus of the new rule:

- Establish an efficient, effective and consistent statewide implementation framework, including standards and permitting requirements, to address the production, distribution and encourage beneficial uses of reclaimed water.



# Why are we writing a new rule?

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- 1992 – Washington Legislature passes RCW 90.46 Reclaimed Water Use Act
- 2006 – The Legislature directs Ecology, with DOH, to develop a reclaimed water rule that will replace the current *Water Reclamation and Reuse Standards 1997*



# What are the goals for this rulemaking?

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- Encourage the use of reclaimed water
- Extend potable water supplies
- Contribute to restoration and protection of instream flows critical for salmon
- Construct and enhance wetlands
- Restore Puget Sound by reducing discharges
- Respond to population growth and climate change
- No impairment of downstream water rights unless compensated or mitigated



# What is reclaimed water?

*Water derived in any part from wastewater with a domestic wastewater component that has been adequately and reliably treated, so that it can be used for beneficial purposes.*

Chapter 90.46 RCW



# How did we get to this point in the process?

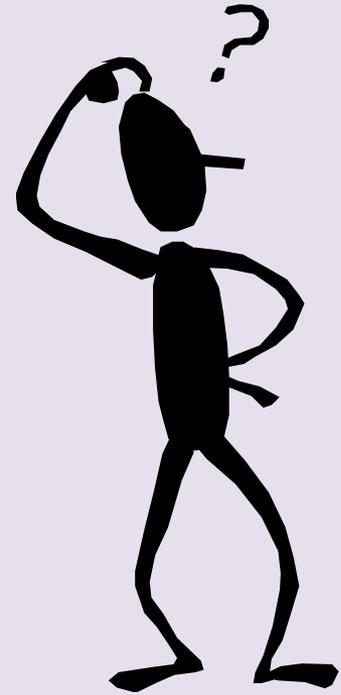
- Ecology conducted an extensive public process from 2006 to the present through:
  - Advisory Committee and Task Teams
- Governor suspended rulemaking 2010 – 2012
- Rulemaking reactivated in 2014
- Reconvened the Advisory Committee
- Offered consultations with the Indian Tribes
- Finalized proposed rule for the public comment period

Item	Phase Name	Start	End	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
1	Planning Phase (Drafting RAD to submission of CR 101)	06/01/06	08/31/06															
2	Initial/Pre-final Phase (Advisory Committee work, NEPA, Economic, Program & Admin CR 102)	09/01/06	08/31/07															
3	Public Comment Phase (Public Hearing Preparation and Conducting, Summary Report & Council Explanatory Statement)	07/01/07	06/30/08															
4	Advisory Phase (CR 101, Council CR 101, Administrative CR 101)	07/01/08	06/30/09															
5	Implementation Phase (Public Hearing, Economic, Implementation Plan, Program CR 102 Final, & Council Sign)	07/01/09	06/30/10															
6	Implementation Phase (Public Hearing, Economic, Implementation Plan, Program CR 102 Final, & Council Sign)	07/01/10	06/30/11															
7	Implementation Phase (Public Hearing, Economic, Implementation Plan, Program CR 102 Final, & Council Sign)	07/01/11	06/30/12															
8	Implementation Phase (Public Hearing, Economic, Implementation Plan, Program CR 102 Final, & Council Sign)	07/01/12	06/30/13															
9	Implementation Phase (Public Hearing, Economic, Implementation Plan, Program CR 102 Final, & Council Sign)	07/01/13	06/30/14															
10	Implementation Phase (Public Hearing, Economic, Implementation Plan, Program CR 102 Final, & Council Sign)	07/01/14	06/30/15															
11	Implementation Phase (Public Hearing, Economic, Implementation Plan, Program CR 102 Final, & Council Sign)	07/01/15	06/30/16															
12	Implementation Phase (Public Hearing, Economic, Implementation Plan, Program CR 102 Final, & Council Sign)	07/01/16	06/30/17															
13	Implementation Phase (Public Hearing, Economic, Implementation Plan, Program CR 102 Final, & Council Sign)	07/01/17	06/30/18															
14	Implementation Phase (Public Hearing, Economic, Implementation Plan, Program CR 102 Final, & Council Sign)	07/01/18	06/30/19															
15	Implementation Phase (Public Hearing, Economic, Implementation Plan, Program CR 102 Final, & Council Sign)	07/01/19	06/30/20															



# What have we heard from this process?

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- The statute and proposed regulations should promote the use of reclaimed water
- Applicants are looking for certainty, consistency and flexibility in regulations
- Applicants need information early in planning phase before costly design and construction phases
- Must consider existing water rights and fishery resources



# The proposal includes the following:

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- Single permit for generating, distributing and using reclaimed water
- Permitting agencies roles and responsibilities
- Timeline for application review
- New water rights impairment process and analysis as part of the engineering report
- Standards for generating, distributing and using reclaimed water
- 2 reclaimed water classifications instead of 4
- Flexibility for case-by-case situations



# The proposal does not include

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- Use of 'service water' within generator facilities
- Reuse of process water
- Use of greywater
- Use of agricultural industrial process water
- Use of industrial reuse water
- Land treatment systems
- Wastewater effluent discharges
- On-site sewage disposal systems



# Where are we now?

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- New *chapter 173-219 WAC Reclaimed Water* posted for a 60-day public comment period
- Public comment period is from June 22 through August 21, 2015
- Ecology is holding these 2 Public Hearings: July 21 and July 23
- Comments can be submitted at the Public Hearings, via mail, email or using the comment form on the reclaimed water website



# What is public review and comments on?

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- **Proposed rule language (new *chapter 173-219 WAC Reclaimed Water*)**
- **State Environmental Policy Act (SEPA) Checklist and Determination of Nonsignificance (DNS)**
- Preliminary Cost-Benefit and Least Burdensome Analysis
- Preliminary draft guidance document (the Purple Book)



# Next Steps

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- Public comment period ends after Friday, August 21, 2015
- Ecology considers comments and finalizes rule
- Ecology prepares a rulemaking document for all of the public comments that are submitted
- Proposed date to adopt this rule by Ecology's Director is October 28, 2015

Rulemaking materials available at:

<http://www.ecy.wa.gov/programs/wq/ruledev/wac173219/0612documents.html>





This Concludes  
the Presentation

# Questions and Answer Session

- This Q & A session is NOT the Public Hearing
- Please wait for the Public Hearing session to make your formal public comments.



# Public Hearing

# Submit written comments through Friday August 21, 2015

- Email: [reclaimedwater@ecy.wa.gov](mailto:reclaimedwater@ecy.wa.gov)
- Mail: WA Department of Ecology  
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DEPARTMENT OF  
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State of Washington

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## Rulemaking

[Water Quality](#) > [Rule Making](#) > [Reclaimed Water Rule Making](#) > Public Comments

### Chapter 173-219 WAC Reclaimed water

#### Public Involvement

##### Public Comments

Thank you for taking the time to make a comment. Please include suggested revised language with your comments as well as section and page number your comment is referring to. Our preferred method to submit comments is using the form below.

[Proposed Rule Language \(PDF\)](#)

First Name

Last Name

Organization

Email Address

Attach File

Attach File 2

Attach File 3

Rule Comments

SEPA Comments

CBA Comments

Purple Book Comments

**RULEMAKING**  
Overview of the Reclaimed Water Rulemaking  
Timeline  
Documents  
Public Involvement  
**> Submit Comments**  
Advisory Committee  
Resources

**RELATED ECOLOGY PROGRAM**  
Water Quality

**ADDITIONAL RULE INFORMATION**

**CONTACTS**  
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**RELATED LINKS**

**Previous Rule Activity:**  
[Reclaimed Water Rule Making History 2006 - 2010](#)

**References**  
[State Law](#)  
[The Reclaimed Water Rule FAQ](#)  
[Useful Links](#)

[Reclaimed Water](#)

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Comment  
Form

<http://www.ecy.wa.gov/programs/wq/ruledev/wac173219/comments.html>





Thank You  
for Participating