

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

- 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 detail 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?

RECLAIMED WATER ADVISORY COMMITTEE November 3, 2014					
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