



# PROPOSED RULE MAKING

## CR-102 (August 2017) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 23, 2017

TIME: 7:03 AM

WSR 17-17-150

Agency: Department of Ecology AO# 06-12

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 14-13-004 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).
- Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) The Department of Ecology is proposing a new rule, Chapter 173-219 WAC - Reclaimed Water.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 27, 2017 Presentation, question and answer session followed by the formal public hearing	10:30 AM.	Webinar only:	<b>Webinar:</b> Ecology is offering this hearing via webinar. Webinars are an online meeting forum that you can attend from any computer using internet access. <b>Comments:</b> Ecology will accept comments through the webinar via phone at 1-877-668-4490 <b>To join</b> the webinar click on the following link for more information and instructions: <a href="https://wadis.webex.com/wadis/j.php?RGID=rbd0797bd548684e77fc2a25be297f58f">https://wadis.webex.com/wadis/j.php?RGID=rbd0797bd548684e77fc2a25be297f58f</a>
September 27, 2017 Presentation, question and answer session followed by the formal public hearing	6:00 PM	Webinar only	<b>Webinar:</b> Ecology is offering this hearing via webinar. Webinars are an online meeting forum that you can attend from any computer using internet access. <b>Comments:</b> Ecology will accept comments through the webinar via phone at 1-877-668-4490. <b>To join</b> the webinar click on the following link for more information and instructions: <a href="https://wadis.webex.com/wadis/j.php?RGID=rd9282ec53ec0933b45827da06cab44e8">https://wadis.webex.com/wadis/j.php?RGID=rd9282ec53ec0933b45827da06cab44e8</a>
October 3, 2017 Presentation, question and answer session followed by the formal public hearing.	10:30 AM	Spokane Department of Ecology Eastern Regional Office 4601 N Monroe St, Spokane, WA 99205	
October 5, 2017 Presentation, question and answer session followed by the formal public hearing.	1:30 PM	Lacey Department of Ecology Headquarters 300 Desmond Drive SE Lacey, WA 98504	

**Date of intended adoption:** January 17, 2018 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Jocelyn W. Jones

Address: Department of Ecology, PO BOX 47600, OLYMPIA, WA 98504-7600

Email: Please comment by mail or online.

Fax: N/A

Other: <http://ws.ecology.commentinput.com/?id=iTbD5>

By (date) October 13, 2017

**Assistance for persons with disabilities:**

Contact Hanna Waterstrat.

Phone: 360-407-7668

Fax: N/A

TTY: 877-833-6341-

Email: [hanna.waterstrat@ecy.wa.gov](mailto:hanna.waterstrat@ecy.wa.gov)

Other:

By (date) September 20, 2017

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Ecology is proposing a new chapter for generation, distribution, and use of reclaimed water – Chapter 173-219 WAC Reclaimed Water. This chapter clarifies regulatory authorities and requirements, streamlines permit application and permitting process, and provides clarity for permittees. The rule will codify existing practices, clarify statutory requirements, and replace 1997 Water Reclamation and Reuse Standards.

Also available for review and comment is the proposed guidance document Reclaimed Water Treatment Facilities Manual: The Purple Book.

This and other rulemaking documents can be found here

[www.ecy.wa.gov/programs/wq/ruledev/wac173219/0612/0612timedocs.html](http://www.ecy.wa.gov/programs/wq/ruledev/wac173219/0612/0612timedocs.html)

**Reasons supporting proposal:** The state Legislature amended chapter 90.46 RCW in 2006 directing Ecology to coordinate with Department of Health to implement a rule to encourage reclaimed water use and address all aspects of reclaimed water use.

**Statutory authority for adoption:** RCW 90.46.015

**Statute being implemented:** Chapter 90.46 RCW

**Is rule necessary because of a:**

Federal Law?

Yes  No

Federal Court Decision?

Yes  No

State Court Decision?

Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** N/A

**Name of proponent:** (person or organization) Department of Ecology

Private

Public

Governmental

<b>Name of agency personnel responsible for:</b>			
	Name	Office Location	Phone
Drafting:	Staff in the Department of Ecology's Water Quality Program and Water Resources Program	Lacey and Bellingham	360-407-6600
Implementation:	Heather Bartlett	Lacey	360-407-6600
Enforcement:	Heather Bartlett	Lacey	360-407-6600

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name: Jocelyn W. Jones  
Address: Department of Ecology, PO BOX 47600, OLYMPIA, WA 98504-47600  
Phone: 360-407-6321  
Fax: N/A  
TTY: (844) 833-6341  
Email: [jocelyn.jones@ecy.wa.gov](mailto:jocelyn.jones@ecy.wa.gov)  
Other: N/A

No: Please explain:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4).

Explanation of exemptions, if necessary: Chapter 53, Laws of 2017 amended RCW 19.85.025 - "(4) The chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small business." After looking at Employment Security data for number of employees we have determined that the one business regulated by this chapter does not meet the definition of small business in RCW 19.85.020(3).


**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

<b>Date:</b> August 23, 2017	<b>Signature:</b> 
<b>Name:</b> Polly Zehm	
<b>Title:</b> Deputy Director	