STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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State Environmental Policy Act

Determination of Nonsignificance (DNS)

Date of issuance: August 23, 2017

Lead agency: Department of Ecology, Water Quality Program

Agency contact: Jocelyn W. Jones, jocelyn.jones@ecy.wa.gov, (360) 407-6321

Description of proposal:

The key purpose of this rulemaking is to encourage the use of reclaimed water to help meet the growing need for clean water across the state by establishing a regulatory framework for the generation, distribution, and use of reclaimed water for the beneficial uses established in chapter 90.46 RCW and chapter 173-219 WAC.

Chapter 173-219 WAC implements chapter 90.46 RCW and establishes requirements for production, distribution, and use of reclaimed water as authorized by the Department of Ecology and the Department of Health. This chapter also establishes lead and nonlead agency designations, roles, and responsibilities over particular aspects of reclaimed water, as well as requirements for:

- Planning, designing, constructing, operating, and maintaining reclaimed water facilities.
- Permitting of reclaimed water facilities.
- Technology based treatment, operational storage and distribution, treatment reliability, and use-based requirements.
- Compliance with RCW 90.46.130, preventing impairment of existing water rights.

Location of proposal: Statewide

Ecology has determined that this proposal will not have a probable significant adverse impact on the environment because the proposed rule language is protective of ground and surface waters and reduces the use of potable water resources when a lower quality water is sufficient for the use.

An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). We made this decision after review of a completed environmental checklist and other information on file. This information is available to the public on request. Rulemaking materials are available at www.ecy.wa.gov/programs/wq/ruledev/wac173219/0612/0612timedocs.html

The comment period for this DNS corresponds with the comment period on the rulemaking to propose Chapter 173-219 WAC that ends on October 13, 2017.

Submit comments online to http://ws.ecology.commentinput.com/?id=iTbD5

Staff contact for questions and concerns:

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Responsible official:

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Signature Heather P Bartlett Date 8/17/17

SEPA ENVIRONMENTAL CHECKLIST

BACKGROUND

1. Name of project (*proposal*), if applicable.

Rulemaking for new rule: Chapter 173-219 WAC Reclaimed Water

2. Name of applicant (*proponent*).

Washington State Department of Ecology
Water Quality Program

3. Address and phone number of applicant (*proponent*) and contact person.

Contact: Jocelyn W. Jones, Water Quality Senior Rule Writer
Address: Washington State Department of Ecology
Water Quality Program
Attn: Jocelyn W. Jones
PO Box 47600
Olympia, WA 98504
Phone: (360) 407-6321
Email: jocelyn.jones@ecy.wa.gov

4. Date checklist prepared.

May 9, 2017

5. Agency requesting checklist.

Washington State Department of Ecology

6. Proposed timing or schedule (including phasing, if applicable).

- June 4, 2014, Ecology filed the Code Reviser (CR)-101 on, authorizing the drafting of a proposed rule.
- August 23, 2017, Ecology files the CR 102 in that authorizes the release of a proposed draft rule and supporting documentation for public review and comment.
- September 26 - October 5, 2017, Ecology holding public hearings.
- October 13, 2017, Ecology closes public comment period.
- January 17, 2018, Ecology files CR 103, to formally adopt the Reclaimed Water Rule. This begins the 30 day appeal period.
- February 14, 2018, reclaimed water rule becomes effective and codified as 173-219 WAC.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this project (*proposal*)? If yes, explain.

Chapter 173-219 WAC will be a new chapter, when adopted. These are reviewed periodically and may be updated to incorporate new or revised statutes, advancements in science and technology, and other state requirements, but we have no plans to do so in the near future.

Reclaimed water permits will be issued under this chapter when it becomes effective. Permits will be issued for no more than 5 years and they will be subject to public noticing as required under the chapter.

Ecology will publish a new guidance manual and update another in conjunction with this rule. These may be periodically updated.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this project (*proposal*).

The Cost Benefit Analysis and Least Burdensome Alternative document will be prepared for this proposal. Requirements for reclaimed water within the rule are based on information contained in state and federal laws and regulations related to protection of public health and water quality. These include but are not limited to:

Federal

1) Clean Water Act
2) Safe Drinking Water Act
3) USEPA Guidelines for Water Reuse, 2004 and 2012
4) Bureau of Reclamation, Feasibility Guidelines
5) USDA National Engineering Handbook: Irrigation Guide

Other Resources

6) Water Reuse, Issues, Technologies and Applications, Metcalf and Eddy, 2007
7) World Health Organization, Guidelines
8) Food and Agricultural Organization of the United Nations
9) Water Environment Research Foundation Publications
10) Water Reuse Foundation Publications
11) National Research Council of the National Academies
12) American Water Works Association
13) International Building Code: Uniform Plumbing Code
14) State of California, Existing and proposed standards for recycled water
15) State of Florida, existing standards for reclaimed water
16) State of Idaho, existing standards for recycled water

In addition, the *Water Reclamation and Reuse Standards* (Publication #97-23), co-authored by the Department of Health and the Department of Ecology, has been provided for reclaimed water projects thus far and will remain in effect until this new Reclaimed Water rule is adopted.

Washington State Statutes (RCWs), Rules (WACs) and Guidelines

Title	Application
Chapter 90.46 RCW Reclaimed Water Use	This statute is the basis for permitting, standards, and legislative intent.
Chapter 90.48 RCW Water Pollution Control	This statute provides broad authority for Ecology to regulate waste discharges to waters of the state.
Chapter 90.03 RCW Water Code Chapter 90.44 RCW Regulation of Public Ground Waters Chapter 90.54 RCW Water Resources Act of 1971 Chapter 90.22 RCW Minimum Water Flows and Levels	These statutes provide the basis for the appropriation and beneficial uses of public waters. Use and distribution of the reclaimed water when permitted under this rule are exempt from water rights permit requirements under RCW 90.03.250 or 90.44.060.
Chapter 43.20 RCW State Board Of Health	This statute provides the broad authority for DOH to adopt rules (WACs) for sewage and drinking water systems.
Chapter 70.116 RCW Public water system coordination act	This statute governs the establishment of critical water supply service areas related to water utility planning and development.
Chapter 70.95B RCW Domestic Waste Treatment Plant - Operators	This statute governs the classification of wastewater treatment plants and the certification process for operators of domestic wastewater treatment facilities.
Chapter 90.82 RCW Watershed planning	This statute governs the development of local watershed plans for managing water resources and for protecting existing water rights.
Chapter 36.70A RCW Growth management	This statute governs the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040.
Chapter 70.119A RCW	Water systems planning requirements.
Chapter 173-200 WAC Water Quality Standards for Ground Waters	This rule applies to any reclaimed water beneficial use that discharges to ground water.
Chapter 173-201A WAC Water Quality Standards for Surface Waters	This rule applies to any reclaimed water that would discharge to surface waters of the state.
Chapter 173-216 WAC State Waste Discharge Permit Program	This rule currently is used as the basis to permit reclaimed water uses including source control and uses that do not include discharges to waters of the United States permitted under Ch. 173-220 WAC.
Chapter 173-220 WAC National Pollution Discharge Elimination System Program (NPDES)	This rule delegates to Ecology the NPDES permitting program from USEPA for discharges to waters of the United States and is used as the basis to permit reclaimed water uses to waters of the United States.
Chapter 173-240 WAC Submission of Plans and Report for Construction of Wastewater Facilities	This rule currently governs the engineering submittal requirements for Ecology for permits issued under Ch 90.48 RCW. This authority is used in addition to the guidance provided in the reclamation standards.
Chapter 246-271 WAC Public Sewage	This rule provides the basic investigative powers of DOH for regulating municipal sewage system discharges and approving engineering documents.
Chapter 246-290 WAC Group A Public Water Systems	This rule establishes requirements for public water systems consistent with the Safe Drinking Water Act and other DOH statutes and WACs.

Chapter 173-154 WAC Protection Of Upper Aquifer Zones	This rule establishes policies and procedures for the protection of upper aquifer zones from excessive water level declines or reductions in water quality.
Chapter 173-218 WAC Underground injection control program	This rule establishes an underground injection control program for the injection of fluids through wells. This rule is applicable to reclaimed water that would discharge to ground water by way of an injection well.
Chapter 173-157 WAC, Underground Artificial Storage and Recovery	This rule implements RCW 90.03.370(2) and establishes the standards for review of applications for underground artificial storage and recovery projects and, when necessary, to identify options for mitigation of potential adverse impacts.
Chapter 173-150 WAC, Protection of Withdrawal Facilities Associated with Ground Water Rights	This rule describes minimum requirements before a water right holder may claim impairment of water obtained from a well.
Chapter 173-500 thru 173-564	These rules provide the specifics of the state's instream flows and closures in various watersheds.
Chapter 246- WAC, LOSS Regulations (HB 5894)	This rule regulates large on-site systems.
Chapter 246-274 WAC, Greywater reuse for subsurface irrigation	This rule establishes requirements for reusing greywater for subsurface irrigation.
UTC Statutes and regulations for water systems and public water supplies.	UTC regulates potable water systems but does not currently regulate reclaimed water.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property (*geographic area*) covered by the project (*proposal*)? If yes, explain.

Not applicable - this proposal is not site specific. Site-specific permit applications will be processed using the statute and current standards until the effective date of this rule. Facilities existing before the effective date of this rule are not required to reapply for a reclaimed water permit until permit renewal is due under WAC 173-219-070. Permit renewals occur every five years or upon a completed facility upgrade.

10. List any government approvals or permits that will be needed for the project (*proposal*), if known.

Not applicable. The State Legislature under statue directs Ecology in coordination with Department of Health to develop this rule. The rule must be adopted in accordance with the requirements of the Administrative Procedures Act. The rule will establish the requirements for approvals and permits for reclaimed water projects.

11. Give brief, complete description of your project (*proposal*), including the proposed uses and the size of the site (*geographic area*). There are several questions later in this checklist that ask you to describe certain aspects of the project (*proposal*). You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on proposal description.)

In 2006, the Washington State Legislature directed the Department of Ecology to adopt Reclaimed Water rules. Additional legislation passed in 2007, 2008, and 2009 clarified the Legislature's intent to encourage the use of reclaimed water in Washington State while assuring the health and safety of all Washington citizens and the protection of its environment. During the state's economic downturn, the Governor suspended rule making for two years. The Reclaimed Water Rule Making was reactivated January 2014.

The reclaimed water use rule (Chapter 173-219 WAC) will apply statewide. The rule codifies existing practices and technical standards relating to reclaimed water in Washington State.

The rule will provide facilities across the State of Washington the opportunity to improve water quality for a variety of nonpotable uses, including indirect potable applications. In addition, the purpose of this new chapter is to set requirements that facilitate the lawful generation, distribution, and use of reclaimed water.

The rule sets technical standards and administrative procedures for an efficient and effective statewide technical review and permitting process while assuring public health and safety, protection for existing water rights, and environmental quality. The rule also designates which of the departments of Ecology or Health is the lead agency for administering a particular aspect of reclaimed water use. Allowable uses under the proposed rule include commercial and industrial uses, landscape and agricultural irrigation, surface water augmentation, wetlands creation or enhancement, and groundwater recharge uses.

Ecology intends to adopt a rule in harmony with existing federal and state laws and rules. In addition, local governments may still require SEPA review for individual sites/projects to be permitted under this rule.

12. Location of the project (*proposal*). Give sufficient information for a person to understand the precise location of the project (*proposal*), including a street address, if any, and section, township, and range, if known. If a project (*proposal*) would occur over a range of area, provide the range or boundaries of the site(s) (*geographic area*). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Not applicable. The rule is designed for statewide application not for any specific site.

B. ENVIRONMENTAL ELEMENTS

This SEPA Environmental Checklist was prepared for a non-project proposal of draft chapter 173 -219 WAC - Reclaimed water. The proposed draft rule applies to existing and new reclaimed water facilities across Washington State. Reclaimed water facilities required to comply with this new rule will be required to apply for and receive a Reclaimed Water Permit from the department of ecology. A person required to apply for a reclaimed water permit must conduct a SEPA determination before being issued a reclaimed water permit and/or constructing a reclaimed water facility. Therefore, future site-specific projects should evaluate possible environmental impacts and identify potential mitigation strategies.

1. Earth

a. General description of the site (*geographic area*) (circle one): Flat, rolling, hilly, steep slopes, mountainous, other.

Not applicable - this proposal is not site specific.

b. What is the steepest slope on the site (*geographic area*) (approximate percent slope)?

Not applicable - this proposal is not site specific.

c. What general types of soils are found on the site (*geographic area*) (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Not applicable - this proposal is not site specific.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not applicable - this proposal is not site specific.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Not applicable - this proposal is not site specific.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable - this proposal is not site specific.

g. **About what percent of the site (*geographic area*) will be covered with impervious surfaces after project construction (*proposal development*) (for example, asphalt or buildings)?**

Not applicable - this proposal is not site specific.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

Not applicable - this proposal is not site specific.

2. Air

a. What types of emissions to the air would result from the project (*proposal*) (i.e., dust, automobile, odors, and industrial wood smoke) during construction and when the project (*proposal*) is completed? If any, generally describe and give approximate quantities if known.

Not applicable - this proposal is not site specific.

b. Are there any off-site sources of emissions or odor that may affect the project (*proposal*)? If so, generally describe.

Not applicable - this proposal is not site specific.

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

Not applicable - this proposal is not site specific.

3. Water

a. Surface

i. Is there any surface water body on or in the immediate vicinity of the site (*geographic area*) (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable - this proposal is not site specific.

ii. Will the project (*proposal*) require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable - this proposal is not site specific.

iii. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site (*geographic area*) that would be affected. Indicate the source of fill material.

Not applicable - this proposal is not site specific.

iv. Will the project (*proposal*) require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.

Not applicable - this proposal is not site specific.

v. Does the project (*proposal*) lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable - this proposal is not site specific.

vi. Does the project (*proposal*) involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable - this proposal is not site specific.

b. Groundwater

i. Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable - this proposal is not site specific.

ii. Describe waste material that will be discharged to the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following

chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable - this proposal is not site specific.

c. Water runoff (including stormwater)

i. Describe the source of runoff (including stormwater) and the method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable - this proposal is not site specific.

ii. Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable - this proposal is not site specific.

iii. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any.

Not applicable - this proposal is not site specific.

4. Plants

a. Check or circle types of vegetation found on the site (*geographic area*).

Unknown. The proposed draft chapter applies to existing and new reclaimed water facilities located throughout Washington State. Therefore, the type of vegetation found at each permitted facility will vary. It is possible that a variety of vegetation could grow on or near permitted facilities.

_____ deciduous tree: alder, maple, aspen, other

_____ evergreen tree: fir, cedar, pine, other

_____ shrubs

_____ grass

_____ pasture

_____ crop or grain

_____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

_____ water plants: water lily, eelgrass, milfoil, other

_____ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Not applicable - this proposal is not site specific.

c. List threatened or endangered species known to be on or near the site (*geographic area*).

Not applicable - this proposal is not site specific.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site (*geographic area*), if any.

Not applicable - this proposal is not site specific.

5. Animals

a. Circle any birds and animals which have been observed on or near the site (*geographic area*) or are known to be on or near the site (*geographic area*).

Not applicable - this proposal is not site specific.

b. List any threatened or endangered species known to be on or near the site (*geographic area*).

Not applicable - this proposal is not site specific..

c. Is the site (*geographic area*) part of a migration route? If so, explain.

Not applicable - this proposal is not site specific.

d. Proposed measures to preserve or enhance wildlife, if any.

Not applicable - this proposal is not site specific.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's (*proposal's*) energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable - this proposal is not site specific.

b. Would the project (*proposal*) affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable - this proposal is not site specific.

c. What kinds of energy conservation features are included in the plans of this project (*proposal*)? List other proposed measures to reduce or control energy impacts, if any.

Not applicable - this proposal is not site specific.

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this project (*proposal*)? If so, describe.

Not applicable - this proposal is not site specific.

i. Describe special emergency services that might be required.

Not applicable - this proposal is not site specific.

ii. Proposed measures to reduce or control environmental health hazards, if any.

Not applicable - this proposal is not site specific.

b. Noise

i. What types of noise exist in the area which may affect the project (*proposal*) (for example: traffic, equipment, operation, other)?

Not applicable - this proposal is not site specific.

ii. What types and levels of noise would be created by or associated with the project (*proposal*) on a short-term or a long-term basis (for example: traffic, construction,

operation, other)? Indicate what hours noise would come from the site (*geographic area*).

Not applicable - this proposal is not site specific.

iii. Proposed measures to reduce or control noise impacts, if any:

Not applicable - this proposal is not site specific.

8. Land and shoreline use

a. What is the current use of the geographic area?

Not applicable - this proposal is not site specific.

b. Has the site (*geographic area*) been used for agriculture? If so, describe.

Not applicable - this proposal is not site specific.

c. Describe any structures on the site (*geographic area*).

Not applicable - this proposal is not site specific.

d. Will any structures be demolished? If so, what?

Not applicable - this proposal is not site specific.

e. What is the current zoning classification of the site (*geographic area*)?

Not applicable - this proposal is not site specific.

f. What is the current comprehensive plan designation of the site (*geographic area*)?

Not applicable - this proposal is not site specific.

g. If applicable, what is the current shoreline master program designation of the site (*geographic area*)?

Not applicable - this proposal is not site specific.

h. Has any part of the site (*geographic area*) been classified as an "environmentally sensitive" area? If so, specify.

Not applicable - this proposal is not site specific.

i. Approximately how many people would reside or work in the completed project (*proposal*)?

Not applicable - this proposal is not site specific.

j. Approximately how many people would the completed project (*proposal*) displace?

Not applicable - this proposal is not site specific.

k. Proposed measures to avoid or reduce displacement impacts, if any.

Not applicable - this proposal is not site specific.

l. Proposed measures to ensure the project (*proposal*) is compatible with existing and projected land uses and plans, if any.

Not applicable - this proposal is not site specific.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable - this proposal is not site specific.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable - this proposal is not site specific.

c. Proposed measures to reduce or control housing impacts, if any.

Not applicable - this proposal is not site specific.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable - this proposal is not site specific.

b. What views in the immediate vicinity would be altered or obstructed?

Not applicable - this proposal is not site specific.

c. Proposed measures to reduce or control aesthetic impacts, if any.

Not applicable - this proposal is not site specific.

11. Light and glare

a. What type of light or glare will the project (*proposal*) produce? What time of day would it mainly occur?

Not applicable - this proposal is not site specific.

b. Could light or glare from the finished project (*proposal*) be a safety hazard or interfere with views?

Not applicable - this proposal is not site specific.

c. What existing off-site sources of light or glare may affect your project (*proposal*)?

Not applicable - this proposal is not site specific.

d. Proposed measures to reduce or control light and glare impacts, if any.

Not applicable - this proposal is not site specific.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable - this proposal is not site specific.

b. Would the proposed project (*proposal*) displace any existing recreational uses? If so, describe.

Not applicable - this proposal is not site specific.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project (*proposal*) or applicant (*proponent*), if any.

Not applicable - this proposal is not site specific.

13. Historic and cultural preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site (*geographic area*)? If so, generally describe.

Not applicable - this proposal is not site specific.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site (*geographic area*).

Not applicable - this proposal is not site specific.

c. Proposed measures to reduce or control impacts, if any.

Not applicable - this proposal is not site specific.

14. Transportation

a. Identify public streets and highways serving the site (*geographic area*), and describe proposed access to the existing street system. Show on site plans, if any.

Not applicable - this proposal is not site specific.

b. Is the site (*geographic area*) currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Not applicable - this proposal is not site specific.

c. How many parking spaces would the completed project (*proposal*) have? How many would the project (*proposal*) eliminate?

Not applicable - this proposal is not site specific.

d. Will the project (*proposal*) require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable - this proposal is not site specific.

e. Will the project (*proposal*) use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not applicable - this proposal is not site specific.

f. How many vehicular trips per day would be generated by the completed project (*proposal*)? If known, indicate when peak volumes would occur.

Not applicable - this proposal is not site specific.

g. Proposed measures to reduce or control transportation impacts, if any.

Not applicable - this proposal is not site specific.

15. Public services

a. Would the project (*proposal*) result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

Not applicable - this proposal is not site specific.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable - this proposal is not site specific.

16. Utilities

a. Circle utilities currently available at the site (*geographic area*): electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Not applicable - this proposal is not site specific.

b. Describe the utilities that are proposed for the project (*proposal*), the utility providing the service, and the general construction activities on the site (*geographic area*) or in the immediate vicinity which might be needed.

Not applicable - this proposal is not site specific.

C.SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Heather D Bartlett

Name of signee: Heather Bartlett

Position and agency: Program Manager
Water Quality Program
Washington State Department of Ecology

Date submitted: August 23, 2017

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(**IT IS NOT NECESSARY** to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the project (*proposal*) be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This reclaimed water rule does not increase emissions to air, toxicity or noise above existing levels. This rule provide standards for reclaimed water discharge from individual facilities. These facilities further treats discharge from wastewater treatment facilities to protect public health and the environment. The reclaimed water rule will decrease wastewater discharges to streams and saltwater, diverting flows to approved beneficial uses. Examples of beneficial uses may include agricultural and recreational field irrigation, groundwater recharge, wetland and stream augmentation, and industrial and commercial uses that will conserve potable water supplies.

Proposed measures to avoid or reduce such increases include the following.

Reclaimed water rule defines standards for additional treatment of wastewater treatment facilities discharge to a quality for beneficial uses. There are two primary classes of reclaimed water: A and B. Class B requires a minimum of secondary treatment with an enhanced disinfection and limited defined uses. Class A increases the level of treatment from a secondary treatment facility with additional coagulation, filtration and disinfection. Class A can be applied to more uses with human exposure and environmental sensitivity areas short of drinking water quality. This statewide rule is a process for reviewing and permitting individual reclaimed water projects that includes consideration of SEPA and when appropriate NEPA requirements. In addition, Class A+ is a special class of water that would have case –by-case standards and would be subject to approval by the state board of health before being considered for Direct Potable Reuse as a beneficial use.

2. How would the project (*proposal*) be likely to affect plants, animals, fish, or marine life?

This reclaimed water rule will not affect plants, animals, fish, or marine life. The rule will regulate projects that will benefit animal and plant life with additional treatment of wastewater treatment facility discharges. The rule defines standards for both Class A and B reclaimed water that can be used for augmentation of wetlands and streams beneficial for animals, fish and marine life. There are provisions to use reclaimed water in cases of desired mitigation for new or enhanced wetlands. Marine life will benefit from decreased discharges to saltwater, diverted for upland beneficial uses. If discharge to marine water is necessary, reclaimed water will have the increased treatment to wastewater, an improved water quality.

Proposed measures to protect or conserve plants, animals, fish, or marine life include the following.

Additional treatment techniques used to enhance the quality of the water, making it safer for all forms of life. The rule defines the use of reclaimed water to augment planned uses for wetlands and streams. Planned projects may include the use of reclaimed water for mitigation of wetlands. The rule also

incorporates consultations with Washington Department of Fish and Wildlife (WDFW) and affected Indian tribes at various stages of the planning and permitting process to address their concerns. This statewide rule is a process for reviewing and permitting individual reclaimed water projects that includes consideration of SEPA and when appropriate NEPA requirements.

3. How would the project (*proposal*) be likely to deplete energy or natural resources?

This reclaimed water rule does not have an effect on energy or natural resources. The rule regulates future individual projects to assess potential impacts on energy and natural resources. Individual projects with additional treatment or pumping requirements may increase energy use that will be defined. Reclaimed water can also be used to produce or conserve energy. The reclaimed water rule will assure that feasibility, including energy requirements, is addressed in planning and design phases.

This reclaimed water rule will have a beneficial impact on water quality and quantity. The rule is intended to be a water resource-planning tool, like water conservation measures, to provide options to address potential and anticipated water scarcity caused by population growth, draught and global warming. Use of reclaimed water will assist with conserving potable water and protect the quantity of existing water resources. Reclaimed water will be used in the place of potable water to conserve the existing water resources.

Proposed measures to protect or conserve energy and natural resources include the following.

The reclaimed water rule requires evaluation of project feasibility including potential for impairment of existing water rights, designed energy requirements, and impact on natural resources. This statewide rule is a process for reviewing and permitting individual reclaimed water projects that includes consideration of SEPA and when appropriate NEPA requirements.

4. How would the project (*proposal*) be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This reclaimed water rule does not have an impact on environmentally sensitive areas or areas designated for protection, but within this statewide rule include requirements for proposed individual projects to consider their potential impact on environmentally sensitive and protected areas. Specific considerations and regulations are included in the rule to consider and protect wetlands and environmentally sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts include the following.

This statewide rule is a process for reviewing and permitting individual reclaimed water projects that includes consideration of SEPA and when appropriate NEPA requirements. This process includes a step to consult with WDFW and affected Indian tribes. The rule provides, on approved project proposals, for inclusion of standard and specific conditioning within a permit to protect sensitive areas and existing water rights.

5. How would the project (*proposal*) be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Ecology anticipates that compliance with the proposed draft reclaimed water rule could benefit land and shoreline use by reducing impacts from wastewater discharges to the environment and waters of the state.

Proposed measures to avoid or reduce shoreline and land use impacts include the following.

This statewide rule is a process for reviewing and permitting individual reclaimed water projects that includes consideration of SEPA and when appropriate NEPA requirements.

6. How would the project (*proposal*) be likely to increase demands on transportation or public services and utilities?

This reclaimed water rule does not have an effect on transportation or public services and utilities. The rule requires individual proposed projects to consider demands on transportation, public services and utilities. The rule provides a process for existing and future proposed. Wastewater utilities would use their facilities to make reclaimed water.

Proposed measures to reduce or respond to such demand(s) include the following.

The rule requires reclaimed water facility project to providing documents for planning, design, construction and facility operations for state approval. The rule requires a description of the facility operation including the type and level of transportation. The operation description and budgetary capacity to maintain the use of public services and utilities. This statewide rule includes a process for reviewing and permitting individual reclaimed water projects that includes consideration of SEPA and when appropriate NEPA requirements.

7. Identify, if possible, whether the project (*proposal*) may conflict with local, state, or federal laws or requirements for the protection of the environment.

The reclaimed water rule does not conflict with local, state and federal laws. The rule requires applicants for reclaimed water projects to consider all related local, state and federal laws when developing a project. The rule includes a process to conduct a potential water rights impairment analysis to ensure existing water rights are not affected unless compensation or mitigation is agreed upon by the current downstream water rights holder. This statewide rule includes a process for reviewing and permitting individual reclaimed water projects that includes consideration of SEPA and when appropriate NEPA requirements.