



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:** Department of Ecology      A.O. 06-12

**Subject of possible rule making:** Department of Ecology will create a new chapter in the Washington Administrative Code (chapter 173-219 WAC – Reclaimed Water) focusing on reclaimed water use in Washington State. Ecology is withdrawing a previous CR-101 (WRS#06-23-039) on this topic and filing this new CR-101 to announce the re-start of work on this rule. The process will build on products developed towards this rule-making prior to a Governor rule-making suspension.

**Statutes authorizing the agency to adopt rules on this subject:** Chapter 90.46 RCW- Reclaimed Water Use was established in 1992, revised several times to add clarity and direction to agency roles and responsibilities.

**Reasons why rules on this subject may be needed and what they might accomplish:** The legislature revised chapter 90.46 RCW especially in ESHB 2884 (2006) and ESHB 1478 (2011), directing Ecology, to coordinate with Department of Health, to adopt rules for reclaimed water use and to be completed “no earlier than June 30, 2013” respectively. The rule must address all aspects of reclaimed water use, including commercial and industrial uses, land applications, direct recharge, wetland discharge, surface percolation, constructed wetlands, and stream flow augmentations. The rule must also designate a lead permitting agency (either Ecology or Health) with responsibilities for certain types of reclaimed water production and uses.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** U.S. Environmental Protection Agency has guidelines, but no regulations for reclaimed water use affecting Washington State. Chapter 90.46 RCW requires the Department of Ecology to coordinate with the Washington State Department of Health on this rule-making effort. Ecology is also to make use of an advisory committee representing interested parties. The Reclaimed Water Advisory Committee, and additional work groups, supports Ecology’s rule-making responsibilities through one-on-one meetings (including email) and by inviting federal and state agencies, interested parties and tribes to participate. Ecology will continue to consult with other federal and state agencies as time allows.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe):

Ecology will work with an advisory committee to draft rule language, provide updated progress information via a Reclaimed Water website and emails to ListServ to communicate with stakeholders, and hold at least one public hearing.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:** Interested parties can access more information on this rule-making by contacting the Ecology staff member listed below or accessing the Water Quality Program website: <http://www.ecy.wa.gov/programs/wq/reclaim/index.html>

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**DATE**  
June 4, 2014

**NAME (TYPE OR PRINT)**  
Heather R. Bartlett

**SIGNATURE**  
*Donald S. Selby for Heather R. Bartlett*

**TITLE**  
Water Quality Program Manager

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