



# 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:** This rule making creates a new chapter in the Washington Administrative Code focusing on Reclaimed Water Use in Washington State. The chapter number will be 173- 219 WAC, Reclaimed Water Use

**Statutes authorizing the agency to adopt rules on this subject:** Chapter 90 46 RCW- Reclaimed Water Use

**Reasons why rules on this subject may be needed and what they might accomplish:** The legislature enacted ESHB 2884 in 2006, which is now part of Chapter 90.46 RCW. The new law directs the Department of Ecology to: 1) form an advisory committee, which will provide technical assistance in developing standards, procedures, and guidelines for reclaimed water use and 2) adopt rules for reclaimed water use by December 31, 2010. The rules must address all aspects of reclaimed water use, including but not limited to commercial and industrial uses, land applications, direct recharge, wetland, discharge, surface percolation, constructed wetlands, and stream flow augmentations. The rules must also designate the lead permitting and regulatory agency responsible for a particular aspect of reclaimed water use.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** There is no federal program regulating reclaimed water use in Washington State. Chapter 90.46 RCW requires that the Department of Ecology consult with the Washington State Department of Health on this rule-making effort. The Department of Ecology is also required to coordinate with the Washington State Departments of Health and Agriculture to form the advisory committee. The Department of Ecology intends to fulfill these responsibilities through one-on-one meetings (including email) and by inviting the named agencies to participate in the advisory committee process. Ecology will consult with other state agencies as time allows.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Rule making for significant legislative rules, as described in the Washington State Administrative Procedure Act. (Chapter 34.05 - RCW)

**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- Water Reclamation and Reuse website:  
<http://www.ecy.wa.gov/programs/wq/reclaim/index.html>

Melissa McEachron  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600  
Phone : (360) 407-6563  
Fax : (360) 407-6426  
Email: [MMCE461@ecy.wa.gov](mailto:MMCE461@ecy.wa.gov)

DATE  
*November 3, 2006*

NAME (TYPE OR PRINT)  
David C. Peeler

SIGNATURE

TITLE  
Water Quality Program Manager, Department of Ecology

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