



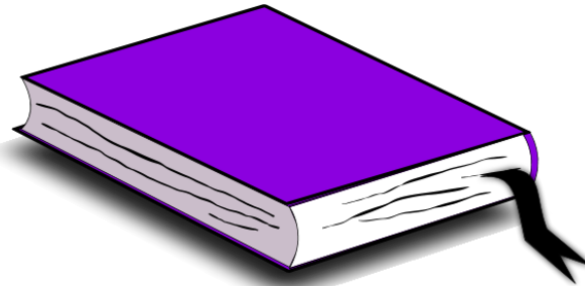
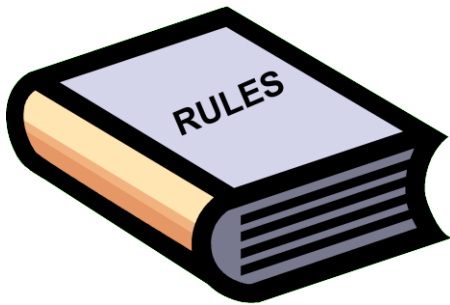
Reclaimed Water Rule Proposal WAC 173-219

MWPAAC Engineering and Planning
Subcommittee Briefing
August 6, 2015

Reclaimed Water Rule

Rule Objectives:

- Streamlines permitting and approval
- Protects environmental and human health
- Encourages reclaimed water use



Reclaimed Water Rule Making 2.0

- Ecology announced in July 2014 re-initiation of rule making
- Reconvened RW Rule Advisory Committee to provide input and direction to Ecology and DOH
- Rule package includes administrative rule on standards, authorized uses and permitting requirements as well as technical guidance manual, known as the “purple book”



King County WTD Concerns with Rule

- Does not encourage reclaimed water use as part of an integrated water management effort
- Applies groundwater quality standards to irrigation uses
- Permitting and reporting requirements
- More stringent disinfection requirements
- Unclear divisions of responsibility between generators, distributors and users
- Water rights Impairment
- Inadequate time for review and comment



Purple Book - Assessing Irrigation Quality

“In addition to meeting Class A or Class B water quality standards (for irrigation)...Sufficient information shall be provided to *demonstrate how groundwater quality standards* (chapter 173-200 WAC) *are met* (WAC 173-219-580(4)).”



Groundwater Standards, WAC 173-200

Antidegradation policy: “Existing and future beneficial uses shall be maintained and protected and degradation of groundwater quality that would interfere with or become injurious to beneficial uses shall not be allowed...Whenever groundwaters are of a higher quality than the criteria assigned for said waters, the existing water quality shall be protected, and contaminants that will reduce the existing quality thereof shall not be allowed to enter such waters...” *WAC 173-200-030*

Brightwater WQ	Groundwater Standards	Reclaimed Water Standards
26.9 mg/L Nitrate	10 mg/L Nitrate	None

Regulatory Precedent for other non-potable water



Disinfection

Current Standard	Proposed Process
1 mg/L, CT 30 minutes total chlorine	1 mg/L, CT 30 minutes free chlorine or 5 mg/L, CT 450 minutes total chlorine

Impossible for non-nitrifying facilities to meet this standard and challenging for nitrifying facilities to meet disinfection standard.

Permitting and Planning Requirement

Adding new Reclaimed Water Users	
Current Process	Proposed Process
Use-specific analysis and any conditions of use are developed and enforced through individual user-permittee agreement	<u>Use management plan must be submitted as supplement to Engineering Plan.</u> Use management plan includes detailed site-specific analysis that was previously incorporated into the individual use contracts.
Contracts are submitted to Ecology and Health for review.	Use-specific analysis and any conditions of use are developed and enforced through individual user-permittee agreement
Annual use reports are submitted to Ecology.	Contracts are submitted to Ecology and Health for review.
	Annual use reports are submitted to Ecology.

Unclear responsibilities between Generator, Distributor and User

Rule	Purple Book	Ecology's 2015 Water Quality Permit Writers Manual
<p>Permittee must:</p> <ol style="list-style-type: none"> 1) Identify best management practices. 2) Reliability features and other controls used to confine the reclaimed water to the use area and minimize the potential for runoff, ponding and overspray or excessive application. 3) Reliability features and other controls to minimize impact to groundwater quality 	<p>Runoff from reclaimed water irrigation sites can carry a pollutant to surface waters.</p> <p>Permittee should:</p> <ol style="list-style-type: none"> 1) Provide a BMP Plan that addresses runoff and explain what steps will be implemented to prevent runoff and over-spray. 	<p>"Customers would not be willing to use reclaimed water given the cost and the potential liability associated with either securing an individual NPDES permit or ensuring that no incidental runoff will ever leave the permitted area.</p> <p>Reclaimed water has already been regulated by Ecology and DOH under the reclaimed water permit. Once reclaimed, Class A water should be subject to same requirements as other non-potable water supplies."</p>

Water Rights Impairment

Water Rights Impairment: Owner of wastewater facility reclaiming water has the exclusive right to use reclaimed water. No water right is required to beneficially use reclaim water.

Facilities that reclaim water cannot impair existing downstream water rights, *including instream flows*.

Proposed rule does not articulate a pathway for resolving complex watershed needs of water quality and stream flow protection. Challenge for the Carnation facility and for communities facing water quality discharge limits.



WTD's Next Steps on Proposed Reclaimed Water Rule

- Review and comment on proposed rule and Purple Book
- Request more time to develop comments
- Request Ecology to reconvene Rule Advisory Committee to refine proposed rule
- Encourage Ecology to separate Purple Book from the rule-making package and work with RAC to refine it

Questions?