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ECOLOGY
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Rule Language with Citations

New Chapter 173-219 Reclaimed Water

*Supplement to Preliminary Cost Benefit Analysis
and Least Burdensome Alternative Analysis*

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Rule Language with Citations

New Chapter 173-219 Reclaimed Water

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Abstract

This document is part of new Reclaimed Water rule analysis (chapter 173-219 WAC). The Department of Ecology typically compares proposed rule language to existing rule language to determine the baseline for comparison and provide a basis for changes. Since the proposed Reclaimed Water rule is a *new* rule, and largely references or incorporates multiple existing laws and rules, Ecology instead developed this table. This rule language table includes sources and citations for the proposed rule content. It also defines whom the rule applies to, and possible impacts.

This table supports the Reclaimed Water rulemaking of 2006 - 2015 and its associated analyses (such as the **Cost-Benefit Analysis and Least-Burdensome Alternative Analysis** required by the Administrative Procedure Act, chapter 34.05 RCW) as well as the Regulatory Fairness Act (chapter 19.85 RCW).

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
Part I - General Information			
Subpart A - General			
Subpart A Definitions			
WAC 173-219-010 Definitions			
Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.			
"Agricultural irrigation" means the application of water to agricultural land with the intent of meeting the water needs for production of agricultural food or nonfood crops.	codifies term	RCW 90.46.010	use of term current practice
"Agronomic rate" refers to a specific rate of hydraulic loading and nutrient loading that meets the agricultural crop or landscape plant requirements while avoiding over application.	codifies term	Ecology guidance	use of term current practice
"AKART" is an acronym for all known, available, and reasonable methods of prevention, control, and treatment.	meaning consistent with WQ standards	WAC 173-201A	use of term current practice
"Alarm" means an instrument, or device, that continuously monitors a specific function or process and automatically gives warning of an unsafe condition by means of visual, or audible signals, or both.	Codifies term	Ecology guidance	use of term current practice
"Approval" of plans and specifications means written ecology approval of the certified copy filed by the applicant in conformance with RCW 39.04.020. Written approval may include electronic approval employing technology that legally ensures the integrity of the electronic document and signature.	codifies term	WAC 173-240-020	use of term current practice
"Applicant" means any person applying for a reclaimed water permit or submitting a document for approval of Ecology or DOH.	codifies term		use of term current practice
"Beneficial purpose" or "beneficial use" means the uses of reclaimed water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and for preservation of environmental and aesthetic values, and for all other uses compatible with the enjoyment of the public waters of the state. Beneficial purpose or beneficial use of reclaimed water includes all uses authorized under chapter 90.46 RCW.	codifies term	RCW 90.46.010	use of term current practice

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
"Certified Operator" means a person certified under chapter 173-230 WAC for wastewater treatment plants or, where applicable, chapter 246-292 WAC for waterworks operation.		WAC 173-230 WAC 246-292	
"Commercial industrial and institutional use" means nonpotable uses of water to produce private sector or institutional products or provide goods and services and associated sanitary uses such as toilet flushing. The term does not include land application.	codifies term		clarifies term
"Contaminant" means any chemical, physical, biological, or radiological substance or matter that does not occur naturally in ground water or that occurs at concentrations greater than those in the natural levels.	codifies term	WAC 173-200-020 (12)	clarifies term
"Contaminants of emerging concern" or "CEC" means substances detected in water that require further study to determine potential impacts to human health and the environment. CEC include, but are not limited to, pharmaceutical products, endocrine disrupting compounds, personal care products, and household cleaning products.		Coincide with EPA use of terminology	
"Distributor" means the permittee or a person authorized by the permittee to distribute or supply reclaimed water to users.	codifies term		codifies term
"DOH" means the Washington State department of health.			use of term current practice
"Ecology" means the Washington State department of ecology.			use of term current practice
"Engineering report" means a document that thoroughly examines the engineering and administrative aspects of reclaimed water generating plant or facility, as required under this rule.	consistent with WAC 173-240	WAC 173-240-020 and 1997 Water Reclamation and Reuse (WRR) Standards	codifies term
"Food crops" mean any crops intended for human consumption.	codifies term	1997 WRR Standards	clarifies term
"Generator" means any person reclaiming or proposing to reclaim water who is eligible to receive an operating permit under this rule.	codifies term		codifies term
"Groundwater" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.	consistency	WAC 173-200-020 (12)	codifies term

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
"Instream flow" means a stream flow level set in rule that is needed to protect and preserve fish, wildlife, scenic, aesthetic, recreational, water quality, and other environmental values, and navigational values. The term "instream flow" means a base flow under chapter 90.54 RCW, a minimum flow under chapter 90.03 or 90.22 RCW, or a minimum instream flow under chapter 90.82 RCW.	consistency	Ecology guidance Chapters 90.54, 90.03, 90.22, and 90.82	codifies term
"Land application" means to the beneficial use of reclaimed water for crop or urban landscape irrigation. It includes both surface and sub-surface (drip) irrigation methods. It does not include dedicated sprayfields used for land treatment and disposal of wastewater.		RCW 90.46.010 RCW 90.46.040 WAC 173-240-060 WAC 173-308-080	Clarification by RAC
"Master generator" means a generator that owns or otherwise provides overall management and operational responsibilities for multiple plants reclaiming water under one operating permit.	codifies term		clarifies term
"Mitigation" see "wetland mitigation" and "water right mitigation"			clarifies term
"Most recent edition" means that version of a specific guidance or reference document in effect at the time the initial reclaimed water project documents are accepted by the lead agency.			Clarifies document edition
"NPDES" means the National Pollution Discharge Elimination System.		Federal Water Pollution Control Act 1981 Section 402	
"Peak hourly flow" means the greatest volume of water passing through the system during any one hour in a day.	codifies term	1997 WRR Standards	clarifies term
"Person" means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity whatever.		RCW 90.48.020 RCW 90.46.010	
"Permittee" means any person who is issued a reclaimed water permit.	codifies term	1997 WRR Standards	consistent with current use
"Plans and specifications" means the detailed drawings and specifications used in the construction or modification of reclaimed water generating plants and reclaimed water facilities. Except as otherwise allowed, plans and specifications are preceded by an approved engineering report.	consistent with WAC 173-240	WAC 173-240-020	consistent with current use

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
"Potable water or drinking water" means water suitable for human consumption.		RCW 43.20.050 and RCW 70.119, requirements necessary to protect public health and potable drinking water supplies	consistent with current use
"Primary contact recreation" means activities where a human would have direct contact with water to the point of complete submergence	consistent with WAC 173-201A	WAC 173-201A-020	clarifies term
"Public entity" means a municipal, quasi-municipal, or other governmental entity or entities formed under the Interlocal Cooperation Act.	codified		clarifies term Added by RAC
"Reclaimed water permit" means an operating permit issued to a generator of reclaimed water under Part III of this rule.	codified	RCW 90.48.130-200	clarifies term
"Reclaimed water treatment facility" or "facility" means the plant, equipment, storage, conveyance devices, and dedicated sites for reclaimed water generation and management. It may include wastewater collection systems and reclaimed water distribution or use sites.	codified	1997 WRR Standards	clarifies term
"Reclaimed water use" means the deliberate application of reclaimed water for a beneficial use.	codified	RCW 90.46.010	clarifies term
"Reliability" means the ability of a system or component(s) thereof to perform a required function under stated conditions for a stated period.	codified	1997 WRR Standards	current use
"Reliability assessment" means a formal determination and review of the reliability of reclaimed water facility components and equipment.	codified	1997 WRR Standards	current use
"Secondary contact recreation" means activities where a person's water contact would be limited to the extent that illness or infections due to exposure to pathogens would normally be avoided	Codified Modified by RAC	WAC 173-201A-020	current use
"Spray irrigation" means application of water from finely divided water droplets to land using artificial means.	codified	1997 WRR Standards	current use
"Surface irrigation" means application of water to the land as a broad stream or down furrows by means other than spraying.	codified	1997 WRR Standards	current use

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
"Third party guarantor" means an entity approved by the lead agency to provide stand-by management services if a private management permittee does not operate a reclaimed water facility in compliance with this chapter.	codified		clarifies use
"Unit process" means an individual stage in the wastewater treatment or reclaimed water generating sequence that performs a major single treatment operation.	codified	1997 WRR Standards	clarifies use
"Use" means an application of reclaimed water in a manner and for a purpose, as designated in a user permit or agreement, and in compliance with all applicable regulatory agency requirements.	Codified		Clarifies use
"Use area" means any facility, building, or area approved for reclaimed water use and permitted by the lead agency.	codified	1997 WRR Standards	clarifies use
"User" means any individual, corporation, entity, business, or other establishment that utilizes reclaimed water for a beneficial use, in accordance with the requirements of these rules and regulations.	Codified		Clarifies use
"Vadose zone" means the unsaturated zone of aeration between the land surface and the regional water table. It does not include localized perched groundwater or the base of the capillary fringe where pores are filled with water due to tension saturation.	codified		clarifies use
"Waters of the state" refers to lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington. Term used is the same as defined in WAC 173-221-030.	consistent	WAC 173-221-030 (28) also in RCW 90.48.020	consistent with current use
"Water right impairment" means an interruption or interference in the availability of water, or degradation of the quality of water, caused by decreasing or ceasing a wastewater discharge to freshwater in order to generate or use reclaimed water, that would:	new term	RCW 90.46.130	codifies term
(a) Prevent an existing water right holder from partially or fully beneficially using the water right or	cont.		cont.
(b) Require an existing water right holder to make significant modifications in order to beneficially use the water right or	cont.		cont.
(c) In the case of an existing instream flow established by rule or otherwise, degrade the quality of the flow of the stream or cause the flow of the stream to fall below the in-stream flow more frequently, for a longer duration, or by a greater amount than prior to decreasing or ceasing the discharge.	cont.		cont.

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
"Water right mitigation" means the use of reclaimed water for mitigation of new surface or ground water rights and changes to existing surface or ground water rights.	codified		clarifies term
"Wetland enhancement" means intentional actions taken to improve the functions, processes and values of existing wetlands.	codified	1997 WRR Standards	current use
"Wetland mitigation" means a sequence of intentional steps or actions taken to reduce impacts to wetlands. Unless the context refers to the entire mitigation sequence, or clearly indicates other steps, the term "wetland mitigation" means compensatory mitigation or the compensation stage of the wetland mitigation sequence, where impacts to wetland functions are offset through the creation, restoration, enhancement, or preservation of other wetlands.	codified	RCW 90.46.090	clarifies term
"Wetland restoration" means intentional actions taken to return the natural or historic functions and processes to a former or degraded wetland site.	codified	1997 WRR Standards	clarifies use
WAC 173-219-020 Purpose and Scope			
(1) The purpose of this chapter is to provide consistent, predictable, and efficient regulatory reviews, permitting processes and technical standards that encourage the generation and beneficial use of reclaimed water while preserving and protecting public health, the environment, and existing water rights.	carry legislative intent forward and codify	RCW 90.46.005 (2) a-f - general audience	Streamline permitting for reclaimed water facilities
(2) The requirements in this chapter apply to all aspects of the use of reclaimed water in the state of Washington, including the authority to generate, store, and distribute reclaimed water, and the sanctions for failing to comply with state requirements in statute or rule.	ditto	RCW 90.46.015 (1)	ditto
WAC 173-219-030 Applicability			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(1) This rule applies only to the use of reclaimed water as defined in RCW 90.46.010 and in this chapter.</p>	<p>narrows application of permitting in this rule</p>	<p>90.46 RCW, Reclaimed Water Use: This chapter applies to all facilities generating any category of reclaimed water. Not a waste water = 90.46.010 (14)</p>	<p>clarifies no change to reclaimed water facilities not using WWTP effluent</p>
<p>(2) This rule does not apply to the following: (a) The capture and redirection of wastewater effluent for treatment plant purposes when under the direct control of the operator in responsible charge of the facility. (b) The capture and redirection of used process water back to process uses within the bounds of an industrial facility. (c) The use of greywater or treated greywater as defined in RCW 90.46.140 and chapter 246-274 WAC. (d) The use of agricultural industrial process water as defined in RCW 90.46.010. (e) The use of industrial reuse water as defined in RCW 90.46.010. (f) Land treatment systems of wastewater regulated under chapter 90.48 RCW. (g) Wastewater effluent discharges under chapter 90.48 RCW. (h) Onsite sewage disposal systems under chapter 70.118 and chapter 70.118B RCW.</p>	<p>clarifies and codifies what this rule does not apply to</p>	<p>a) b) c) RCW 90.46.015, WAC246-274 Greywater reuse for subsurface irrigation. d) RCW 90.46.150, Ch 90.48 RCW e) RCW 90.46.160, Ch 90.48 RCW. f) Ch 90.48 RCW g) Ch. 43.20, 70.116, and 70.119A RCW, and under Ch 246-290 and 246-291 WAC h) Ch. 70.118 and 70.118B RCW.</p>	<p>These items are not addressed in this Rulemaking</p>
<p>Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application.</p>	<p>strengthens sections of the rule</p>	<p>RCW 90.46.110</p>	<p>more reliability of rule effectiveness</p>
<p>WAC 173-219-040 Compliance Deadlines</p>			
<p>(1) Direct enforceability. Except as allowed under subsection 2 of this section, all persons and facilities subject to the requirements of this chapter must comply on the effective date of this chapter.</p>	<p>grandfathering clause</p>	<p>RCW 90.46 sections 215, 220 and 250 Applies to permittee</p>	<p>Excludes existing permitted facilities from new duties on rule adoption</p>

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(2) Facilities existing before the effective date of this rule. Any reclaimed water treatment facility authorized by an existing reclaimed water permit that was issued before the effective date of this rule is subject to this chapter except as follows:</p> <p>(a) For good cause shown and at the request of an existing permittee, the lead agency may issue an extension for compliance to provide a reasonable period of time for an existing facility to meet the new requirements under this chapter;</p> <p>(b) An existing permittee is not required to apply for or obtain a modification of the existing reclaimed water permit until the application for the permit renewal is due under WAC 173-219-290; and</p> <p>(c) An existing permittee is not required to submit an analysis for water right impairment under this chapter or otherwise meet the requirements under WAC 173-219-100.</p>	<p>provides pathway to comply with the rule</p>	<p>Applies to permittee</p>	<p>Adoption requires existing facilities to become compliant.</p> <p>(a) Extension allowed under reasonable plan to become compliant.</p> <p>(b) Modification not required upon adoptions, wait for renewal date.</p> <p>(c) relieves existing facilities from having to do a new water right impairment analysis</p>
WAC 173-219-050 Lead agency designation - Regulatory Agency Responsibilities			
<p>(1) Designation of lead agency. (a) Ecology shall be designated as the lead agency for projects where any of the following apply:</p>	<p>codifies the statute</p>	<p>RCW 90.46.015 and 200 Applies to Ecology</p>	<p>none</p>
<p>(i) The reclaimed water treatment facility is a water pollution control facility permitted by ecology;</p>			
<p>(ii) The uses of reclaimed water include discharge to water bodies that are regulated under the Federal Water Pollution Control Act or under chapter 90.48 RCW;</p>			
<p>(iii) The primary use of reclaimed water is for land application; or</p>			
<p>(iv) Both DOH and ecology agree that, for environmental protection or water right administration reasons, ecology should be the lead agency for a specific project or use.</p>			
<p>(b) DOH shall serve as the lead agency for projects where any of the following apply:</p>		<p>Applies to DOH</p>	
<p>(i) There is no discharge of reclaimed water to waters of the state except as authorized under (b)(ii) of this subsection.</p>			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(ii) The only discharge of wastewater or surplus reclaimed water is to an on-site sewage system with a design flow less than or equal to one hundred thousand gallons per day, regulated under chapters 246-272A or 246-272B WAC or to a sanitary sewer.			
(iii) When a reclaimed water permit is dependent on a large on-site sewage operating permit or an on-site sewage system approval or permit for required treatment, reliability, or use, DOH shall be the lead agency and issues the individual reclaimed water permit. DOH shall review, approve, and permit an on-site sewage system designed as part of a reclaimed water project.			
(iv) Both DOH and ecology agree that for public health protection reasons, DOH should be the lead agency for a specific project or use.			
(c) When either DOH or ecology is designated as a lead agency under (a) and (b) of this subsection, the other agency shall be designated by default as the nonlead agency.		Applies to both Ecology/DOH	
(2) Lead agency responsibilities. (a) The lead agency for a reclaimed water permit is responsible for the coordination, review, issuance, and enforcement of a permit under chapter 90.46 RCW, and shall be responsible for actions as directed in this chapter and as follows:	codifies the statute	RCW 90.46.015 and 200 Applies to both Ecology/DOH	none
(i) Coordinating application review for completeness, and evaluating applications pursuant to WAC 173-219-200 through 173-219-310;	coordination with other agencies with jurisdiction	RCW 90.46.015 and 200	puts requirement on agency
(ii) Notifying the nonlead agency of receipt of required construction review documents, coordinating the review with the nonlead agency as needed, and reviewing applications and submittals pursuant to WAC 173-219-200 through 173-219-310;	clarification	RCW 90.46.240	none
(iii) Issuing or denying reclaimed water permits;	clarification	RCW 90.46.220	none
(iv) Assessing and collecting fees as authorized by that agency's regulations;		none authorized specific to reclaimed water	none
(v) Monitoring compliance with the reclaimed water permit, conducting inspections, and taking corrective actions as needed.	clarification	RCW 90.46.230	
(vi) Notifying the nonlead agency of violations and coordinate reclaimed water permit compliance as agreed upon by ecology and DOH;	clarification	RCW 90.46.200	

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(vii) Responding to appeals of reclaimed water permit decisions, and conducting compliance and enforcement actions as needed; and	clarification	RCW 90.46.220	none
(viii) Any other responsibilities and obligations.			
(b) Notwithstanding subsection (2)(a) above, enforcement of a permit issued under this chapter shall be at the sole discretion of the lead agency issuing the permit.	Enforcement	RCW 90.46.210	
(3) Nonlead agency responsibilities. The nonlead agency shall be responsible for actions as directed in this chapter and as follows:	streamlining & clarity	RCW 90.46.015 Applies to both Ecology/DOH	more certainty
(a) Participating in meetings convened by the lead agency as requested by the lead agency.	ditto	RCW 90.46.200	ditto
(b) Determining the scope of its nonlead review for all reclaimed water documents and notifying the lead agency of that determination.	scope of review can be limited	RCW 90.46.200	clarifies role
(c) Submitting review comments and recommending reclaimed water permit conditions to the lead agency if appropriate.	requires agency coordination	RCW 90.46.200	clarifies
(d) Assessing and collecting any fees as authorized by that agency's regulations.			
(e) Assisting the lead agency as agreed upon under subsection (2)(a)(vi) above, with appeals of reclaimed water permit decisions, and compliance and enforcement actions.	requires agency coordination	RCW 90.46.200	clarifies
(4) Ecology responsibilities. In either its role as the lead agency under subsection (2) or non-lead agency under subsection (3) ecology shall:		Applies to Ecology	
(a) Develop reclaimed water permit requirements as necessary to ensure adequate:		RCW 90.46.220	
(i) Regulate the design, construction, and operation of all sewerage systems and associated water pollution control facilities that collect or treat wastewater and generate reclaimed water, except as exempted under RCW 90.48.110.		RCW 90.48.110	none
(ii) Protect waters of the state.		RCW 90.48.030	none

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(b) Certify operators for facilities generating reclaimed water, when operator certification under chapter 173-230 WAC is required in a reclaimed water permit;	reclaimed water facilities have unique operational requirements that justify need for certification	RCW 70.95B.040	certification requirement
(c) Adds public health permit conditions to permits it issues as recommended by DOH.		RCW 90.47.220	none
(d) Issue all regulatory decisions related to water rights as provided under WAC 173-219-100.		90.03 RCW	none
(5) DOH responsibilities. In either its role as the lead agency under subsection (2) or non-lead agency under subsection (3)DOH shall:		Applies to DOH	
(a) Develop reclaimed water permit requirements as necessary to ensure adequate public health protection in the use of reclaimed water.		RCW 90.46.220	clarifies
(b) Assure that the public health-related treatment, reliability, and exposure requirements for reclaimed water production, storage, distribution, and use are adequate to protect public health, such as by employing a person(s) certified by DOH under chapter 246-292 WAC for cross-connection control prevention or water distribution operations; and		RCW 90.46.220	clarifies
(c) Add environmental protection and water right-related conditions to permits it issues as recommended by ecology.		RCW 90.46.200	clarifies
WAC 173-219-060 Regulatory Action for Noncompliance			
(1) Whenever the lead agency determines that any person that violates or creates a substantial potential to violate the provisions of this chapter or chapter 90.46 RCW, the lead agency shall notify such person of its determination by registered mail. Such determination shall not constitute a directive, enforcement action order, or appealable agency action. Within thirty days from the receipt of notice of such determination, such person shall file with the lead agency a full report stating what steps have been and are being taken to control such waste or pollution or to otherwise comply with the determination of the lead agency.	codifies statute	RCW 90.46.250 (1) and RCW 43.21B310 Applies to both Ecology/DOH	none

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(2) After the expiration of thirty days, the lead agency shall issue an order, directive, or take such other enforcement actions it deems appropriate under the circumstances and shall notify such person thereof by registered mail and any other method of service required by the lead agency's rules.	codifies statute	RCW 90.46.250 (2)	none
(3) Notwithstanding subsection (1) and (2) above, whenever the lead agency deems immediate action is necessary to protect public health or the environment, it may immediately issue such order or directive, as appropriate under the circumstances, without first issuing a notice or determination pursuant to subsection (1) of this section. An order or directive issued pursuant to this subsection shall be served by registered mail or personally, upon any person to whom it is directed and in the manner required by the lead agency's rules.	consistency with APA	RCW 34.05 and RCW 90.46.015	none
(4) The lead agency may establish schedules and conditions to achieve compliance as follows:			
(a) Schedules of compliance must set forth the shortest, most reasonable time, to achieve the specified requirements.	consistency with NPDES permitting	WAC 173-200 and RCW 90.46.015	none
(b) When schedules for compliance exceed one year, the schedule must be specified within a permit, and provide interim requirements and the dates for their achievement, with no more than one year between interim dates. If the time necessary for completion of the interim requirement (such as construction of a treatment facility) is more than one year and not readily divided into stages of completion, the permit must specify interim dates for the submission of progress reports toward completion of the interim requirement.	codifies process	WAC 173-200-140 consistent with WAC 173-220-140 and RCW 90.46.015	none
(c) Within fourteen days following each date to achieve compliance within the schedule, the person to whom the compliance schedule was issued must provide the lead agency with written notice of their compliance or noncompliance with the requirement.	codifies process	RCW 90.46.015	
(d) If the person fails or refuses to comply with an interim or final requirement in the compliance schedule, the noncompliance is a violation. The lead agency may modify or revoke the reclaimed water permit or take other direct enforcement action.	codifies process	and RCW 90.46.015 RCW 90.46.260 & 270	

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(5) Enforcement authority.			
(a) The lead agency, with the assistance of the attorney general, may sue in courts of competent jurisdiction to enjoin any threatened or continuing violations of any reclaimed water permits or conditions thereof without the necessity of a prior revocation of the permit.	codifies statute	RCW 90.46.210,260 and 270 Applies to both Ecology/DOH	none
(b) The lead agency may assess, or with the assistance of the attorney general, sue to recover in court, such civil fines, penalties, and other civil relief as may be appropriate for the violation by any person of any:	codifies process	ditto	"
(i) Reclaimed water standards and limitations.	"	"	"
(ii) Reclaimed water permit or term or condition thereof.	"	"	"
(iii) Filing requirements.	"	"	"
(iv) Duty to allow or carry out inspection, entry, or monitoring activities.	"	"	"
(v) Rules, regulations, or orders issued by the lead agency.	"	"	"
(c) The lead agency may request the attorney general to seek criminal sanctions for the willful violation by such persons of any:	"	"	"
(i) Water quality standards.	"	"	"
(ii) Reclaimed water permit or term or condition thereof.	"	"	"
(iii) Filing requirements.	"	"	"
(d) The lead agency, with the assistance of the attorney general, may seek criminal sanctions against any person who knowingly makes any false statement, representation, or certification in any form or any notice or report required by the terms and conditions of any issued permit or knowingly renders inaccurate any required monitoring device or method.	"	"	"
(6) The lead agency shall notify the nonlead agency of any compliance actions taken under this section.			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
WAC 173-219-070 Appeals			
<p>Appealable actions include agency decisions to issue a reclaimed water permit, a final impairment determination under WAC 173-219-100(5)(b)(iv), a directive, an order, or an imposition of a civil penalty. Any person aggrieved by a decision, made in accordance with provisions of this chapter, may appeal that decision as provided by law applicable to the agency issuing the decision including, but not limited to chapters 43.21B, 43.70, 34.05 RCW, and RCW 90.46.220(7), 90.46.250, and 90.46.270. When issuing a decision, the agency must inform the person(s) of the process for requesting an adjudicative hearing or an appeal. The request for an adjudicative proceeding must be made in the form and manner set forth in the lead agency's laws and regulations. DOH's procedural rules are set forth in chapter 246-10 WAC; ecology's final agency actions are appealable by the Pollution Control Hearings Board (PCHB) in accordance with the PCHB's procedural rules under WAC 371-08-335</p>	include the water rights decision in the permit determination	RCW 90.46.220 Applies to Applicant & Permittee	Any decision made by Ecology/DOH is appealable as well as water rights impairment
Part II –Planning, Design and Construction Subpart A Water Right Considerations			
WAC 173-219-100Impairment Analysis			
<p>(1) Purpose. This section describes the requirement to conduct a water rights impairment analysis to address the potential for impairment of an existing water right. Under 90.46.130 RCW, reclaimed water facilities shall not impair any existing water right downstream from any freshwater discharge points of the proposed reclaimed water facility unless compensation or mitigation for such impairment is agreed to by the holder of the affected water right.</p>	section meant to clarify the process	Implements RCW 90.46.130 applies to ECY & applicant	WAC 173-219-100 new section
<p>(2) Applicability. This section applies to any reclaimed water facilities permitted under chapter 90.46 RCW where there is a potential for the impairment of a downstream water right due to a proposed decreasing or ceasing of a discharge to a freshwater surface or ground water body. A groundwater right is considered to be potentially impaired if it is located down gradient of the proponent's original location of discharge.</p>	identifies affected facilities	RCW 90.46.130	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(3) Existing water rights. Existing water rights include any permits, claims, and certificates in existence when a submitted water rights impairment analysis is accepted by ecology. Existing water rights include instream flow appropriation established by rule pursuant to RCW 90.22 and 90.54.	clarifies terminology	RCW 90.46.130	"
(4) Cost reimbursement agreements. At the request of the applicant, ecology may enter into a cost-reimbursement agreement with the applicant at any stage of scoping or conducting the impairment analysis under this section. Such agreements must meet the requirements as to form, process, and as otherwise provided under RCW 43.21A.690.	provides option for process	RCW 43.21A.690 Applies to Applicant	"
(5) Analysis process.	outlines process	Applies to ecology or applicant	"
(a) Applicant responsibilities:			"
(i) An applicant must submit a complete water rights impairment analysis for review by Ecology or request Ecology to complete it through a cost reimbursement agreement as authorized by Ecology under WAC 173-219-100(4)above. In all cases a water rights impairment analysis must be conducted by a hydrogeologist or engineer licensed by the state of Washington. The applicant must consult with Ecology to develop the scope of the impairment analysis prior to Ecology accepting the final analysis for review. However, the applicant must submit the final water rights impairment analysis information with the engineering report described in WAC 173-219-160. At a minimum the impairment analysis must include the following information:	clarifies project parameters	"Applies to Applicant	"
(A) The effect of the designed change in existing discharge as supported by a complete study.			
(B) The effect, as supported by a complete study, of the new discharge location as it relates to any increase or decrease of discharged quantities to specific locations in surface water streams and groundwater aquifers.			
(C) Who will own, operate and maintain the reclaimed water facilities.	information	"	"
(D) A description of the method and the quantity of the historical discharge. Include the seasonal quantity differences if there are any.	information	"	"
(E) A determination of the study areas based upon the effluent influence limit.	information	"	"
(F) Identification of individual water right permits, certificates, and claims in the final study area, as identified by the applicant or as	information	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
prescribed by Ecology through any meetings and consultations.			
(G) Calculation of the maximum flow that can be redirected and not impair the subject water rights, including the seasonal quantity differences if there are any.	applicant recommendation to ECY	"	"
(H) Any recommendations made by ecology in the decision of impairment issued under (b)(iv) below, to achieve final approval.			
(ii) When an applicant or ecology identifies water right impairments, the applicant must submit to ecology copies of signed agreements with each holder of a potentially impaired water right, as determined under (b)(iv), that they have or will have received sufficient compensation or mitigation for such impairment as required under RCW 90.46.130. Such agreements must contain the signature of both the applicant and the holder of the impaired water right.			
(b) Ecology responsibilities:		Applies to Ecology	"
(i) Ecology will provide technical assistance on the scope of the water right impairment analysis as identified above in section (5)(a).			
(ii) Ecology will notify affected tribes and the WDFW within fifteen working days of receiving an ecology accepted impairment analysis. The affected tribes and the WDFW will have 30 days to respond to the notification.	notification of government partners	"	"
(iii) Ecology will determine the potential for impairment of existing water rights and consult with WDFW and any affected tribe before making a final decision of impairment.	consultation with government partners	"	"
(iv) Ecology shall issue a final decision of impairment within sixty days of receipt of an ecology accepted impairment assessment completed by the applicant or the cost reimbursement contractor. If additional time to review the applicant's impairment analysis is required, ecology must notify the applicant of the reason for the delay and give an estimated decision time. Ecology, at its sole discretion, may adopt, amend, reject, or issue its own analysis after considering the analysis provided by the applicant.	action by ecology	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(v) Where the holder of an impaired water right accepts mitigation, ecology may condition the reclaimed water permit with the mitigation agreement.		Applies to Applicant	
(6) Reclaimed water permit modification and renewals. A supplemental impairment analysis and final decision of impairment are required if the permittee elects to modify the project in a manner that may affect existing water rights.		Applies to Ecology and Applicant	"
WAC 173-219-110 Use of Reclaimed Water for Water Right Mitigation			
(1) Applicability.			
(a) This section applies to the use of reclaimed water to mitigate for a new surface or ground water right or a change to an existing surface or ground water right.	Identifies intended use	90.03 RCW; 90.44 RCW, RCW 90.46.120 and 130.	codifies current practice
(2) Minimum requirements.			
(a) To use reclaimed water for mitigation of a new water right or a change to an existing water right, the water right applicant must prepare a mitigation plan and submit it in support of an application for a new water right or an application to change an existing water right.	document submittal	RCW 90.74, RCW 90.03.255, RCW 90.44.055 Applies to Applicant	new, codifies and clarifies desired practice
(b) Ecology will evaluate applications for the use of reclaimed water to mitigate for new water rights or changes to existing water rights on a case-by-case basis. These applications must satisfy all applicable provisions of chapters 90.03 and RCW 90.44 RCW, including but not limited to the four-part-test under RCW 90.03.290.	document submittal	Applies to Ecology	new, codifies and clarifies current practice
(c) In the event a mitigation plan with a reclaimed water component is approved by ecology, the new water right or change must be conditioned to ensure the availability of mitigation water for the life of the approved water use.	permit requirement	Applies to Ecology	new, codifies and clarifies current practice

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
Subpart B Construction of Reclaimed Water Facilities			
WAC 173-219-120 Submission of Documents for Review and Approval Required			
(1) Submission required.		Applies to Applicant	
(a) Before constructing or modifying reclaimed water treatment facilities, the applicant must submit reclaimed water plans, engineering reports, construction plans and specifications, construction quality assurance, applicable to the project to the lead agency for review and approval.	codified	RCW 90.46.240	none
(b) Before operating the facility, the applicant must also submit an operation and maintenance manual as described in WAC 173-240-080, and a declaration of construction as described in WAC 173-240-090 and 095.	codified	RCW 90.46.240	
(c) Documents must be submitted to ecology, when acting as lead agency, via the Water Quality Permitting Portal unless otherwise specified by ecology. The lead agency and nonlead agency may also request a paper copy on an as needed basis. The nonlead agency may limit the scope of their review or waive the requirement for submission of documents.	DOH request	RCW 90.46.240 requires submittal only to lead agency-	Reduced number of copies, making use of electronic filing and copies only as necessary
(2) Required signatures and stamps of approval on submittals.		Applies to Applicant	
(a) The applicant must sign all documents or a transmittal letter accompanying the submittal in accordance with the signatory requirements under WAC 173-219-250(2).	consistent with WAC 173-220-040	WAC 173-220 is the rule for the NPDES program	none
(b) A professional engineer, licensed in accordance with chapter 18.43 RCW, must supervise preparation of all technical documents related to the construction or modification of facilities regulated under this rule. All copies of these documents submitted to the departments for review must include the signed and dated seal/stamp of the professional engineer under whose supervision they were prepared.	consistent with WAC 173-240-160	WAC 173-240 applies to submission of plans and reports for construction of wastewater facilities	current practice
(c) Supplemental technical documents such as hydrogeological reports may be prepared, approved, and stamped by other appropriately licensed professionals.	new - expands options for document submittals	none	none

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(3) Project development schedule.		Applies to Applicant	
(a) The applicant is responsible for ensuring that there is sufficient time to meet funding, contractual and other project deadlines. Agency standards for submittal review are included under WAC 173-219-130.	codifies applicant role		
(b) If submittals are part of a reclaimed water permit or compliance schedule, the lead agency must receive the required submittals by the deadline established in the permit or compliance schedule.	codifies submittal deadlines	RCW 90.46.200	current practice
(c) Where two or more years have elapsed since approval of the engineering report or construction plans and specifications and construction has not begun, the lead agency may require updates to address changes in water quality conditions, regulatory requirements, or engineering technology.	Consistent with 173-240-030	WAC 173-240 applies to submission of plans and reports for construction of wastewater facilities	current practice
WAC 173-219-130 Agency Review Standards			
(1) Coordination of review. The lead agency coordinates regulatory reviews with the nonlead agency in accordance with WAC 173-219-050.	encourages coordination with nonlead agency	goes beyond RCW 90.46.240 which only requires submittal to lead agency Applies to both Ecology/DOH	could cause project delays and increased costs for copies of required submittals
(2) Purpose. The purpose of the review is to evaluate whether the proposed reclaimed water facilities:	codifies statute	RCW 90.46.240 Applies to both Ecology/DOH	current practice
(a) Meet state standards and other requirements for the generation, distribution and use of reclaimed water under this rule and chapter 90.46 RCW.	"	"	"
(b) Meet applicable requirements of chapters 90.48 RCW and 90.54 RCW necessary to prevent and control pollution of waters of the state.	"	"	"
(c) Meet applicable requirements of chapters 70.118, 70.118A, 70.118B, 70.119, 70.119A, or 43.20 RCW with respect to on-site sewage systems or public water systems.	"	"	"
(d) Meet standard engineering criteria and practices used in the planning, design and construction of all reclaimed water facilities:	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(e) And all other applicable regulations and authorities.			
(3) Review period. Both lead and nonlead agencies must promptly take action to comment on, approve, or reject a submittal as follows:			
(a) The lead agency must take action regarding documents submitted for planning, design and construction within 90 days of receipt. If appropriate, the lead agency forwards the documents to the nonlead agency and sets a schedule for receipt of comments and proposed conditions from the nonlead agency. The nonlead will have a minimum of twenty business days from receipt of documents to review it and submit responses to the lead agency. If circumstances prevent adequate review within a 90-day period, the lead agency must notify the applicant of the reason for the delay and provide an estimated review time.	new - provides review deadlines for document submittals	none	none
(b) The provisions of WAC 173-219-100 apply to the review periods for analysis of potential impairment of existing water rights.	"	none	none
(c) The provisions of WAC 173-219 Part III Reclaimed Water Permit Application and Procedures, WAC 173-219-200 through 173-219-310 apply to review periods for all permitting decisions.	"	none	none
WAC 173-219-140 Reclaimed Water Planning			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(1) Planning documents. Reclaimed water planning is the basic planning effort required for the entire reclaimed water facility. Planning may be conducted at multiple levels depending on the scale and scope of the proposal. Since opportunities for reclaimed water must be considered or coordinated under other planning requirements in state law, relevant planning documents may be submitted to meet all or part of the submittal requirements. Documents approved for other purposes may require amendments or additions to meet these requirements. For purposes of meeting the planning requirements under WAC 173-219-120, acceptable planning documents include, but are not limited to any combination of the following:</p>	<p>New - but this entire section substantially follows current practices in respective relevant sections.</p>	<p>General sewer plans for domestic wastewater facilities under RCW 90.48.110, RCW 90.48.112 and 173-240 WAC - Submission of plans and reports for construction of wastewater facilities. RCW 90.46.240 and 120 - authorizes submittal of plans and reports. Water system plans under chapter 43.20 RCW, 70.116 RCW or WAC 246-290-100. Water system plans under chapter 43.20 RCW, 70.116 RCW or WAC 246-290-100. Comprehensive reclaimed water plans under RCW 57.16.010 for local improvement districts. Applies to Applicant</p>	<p>No change intended. Follows current practices in laws and regulations listed and the 1997 Water Reclamation and Reuse Standards (not adopted) and codifies requirements specific to reclaimed water facilities.</p>
(a) General sewer plans for domestic wastewater facilities under RCW 90.48.110, RCW 90.48.112, or WAC 173-240-050.	"	see references in the rule language	"
(b) Water system plans under chapter 43.20, 70.116 or 70.118B RCW or chapters 246-290, 246-291, 246-272A, or 246-272B WAC;	"	see references in the rule language	"
(c) Water supply plans under chapter 90.44 RCW or 90.82 RCW.	"	see references in the rule language	"
(d) A regional water supply plan or plans addressing potable water supply service by multiple water purveyors under RCW 90.46.120.	"	see references in the rule language	"
(e) Comprehensive reclaimed water plans under RCW 57.16.010 ; and	"	see references in the rule language	"
(f) A stand alone or supplemental reclaimed water plan.	new	RCW 90.46.240	allows option of developing a new plan

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(2) Content. Reclaimed water planning documents must provide sufficient detail for a professional engineer to complete the design engineering report consistent with the information in the approved planning document(s). The plan(s) must include the following content and any other required data required by the lead or nonlead agency:	New - but this entire section substantially follows current practices in 173-240.	173-240 WAC - Submission of plans and reports for construction of wastewater facilities. RCW 90.46.240 - authorizes submittal of plans and reports. Applies to Applicant	Follows current practices but codifies requirements specific to reclaimed water facilities.
(a) Explain who will own, operate, and maintain the reclaimed water facility.	"	"	"
(b) For private utilities, provide a capacity assessment under WAC 173-219-150.	"	"	"
(c) Identify existing and proposed uses of the reclaimed water.	"	"	"
(d) Describe the proposed level of water quality, treatment and reliability and how existing and planned reclaimed water facilities intend to meet the minimum requirements for water quality, treatment and reliability for the proposed uses.	"	"	"
(e) Estimate the annual or seasonal volumes of reclaimed water required, proposed and available. Describe plans for storage or discharge of the excess reclaimed water.	"	"	"
(f) Describe the contingency plan for reversion to domestic wastewater facilities and alternative water supply systems where applicable, if reclaimed water production is discontinued.	"	"	"
(g) Describe the existing, if any, and proposed storage and distribution system areas of reclaimed water use. Provide a map showing proposed routes for pipelines to provide reclaimed water to the identified uses.	"	"	"
(h) Identify delineated wellhead protection areas for wells used for public water supply.	"	"	"
(i) Identify existing or proposed interlocal or interagency agreements, if any, with local governments or local potable water utilities within the area of existing or proposed distribution and use of reclaimed water.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(j) Provide a planning level estimate of capital and operational costs for the treatment, storage and distribution of the reclaimed water. Include any use areas under the direct control of the generator.	"	"	"
(k) A statement regarding compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), where applicable.	"	"	"
WAC 173-219-150 Private Utility Capacity Assessment			
(1) An applicant that qualifies as a private utility, as defined under RCW 36.94.010, must submit adequate information to the lead agency to determine if the entity has the technical, managerial, administrative, operational and financial capacity upon issuance of a reclaimed water permit.	New - but this entire section substantially follows current practices in 173-240 WAC.	173-240 WAC - Submission of plans and reports for construction of wastewater facilities. RCW 90.46.240 - authorizes submittal of plans and reports. RCW 90.46.230 allows inspections of private facilities and implies that private utilities could be permitted to reclaimed water. RCW 36.94.010 defines "public utility" Applies to Applicant	Provides options for private utilities - however, private utilities are not required to reclaimed water.
(2) The lead agency may require the private utility to make changes such as managerial or financial changes, before issuance of a reclaimed water permit.	"	Applies to both Ecology/DOH	"
(3) Content. The lead agency may require the following information together with any other relevant data requested by the lead or nonlead agency:	"	Applies to both Ecology/DOH	"
(a) A brief, nontechnical description of the proposed reclaimed water facility and its customers. Include the major components, treatment type, startup volume, maximum treatment capacity, and the planned uses of reclaimed water.	"	"	"
(b) A description of the administrative, managerial, operational and technical capabilities of the private utility that includes:	"	"	"
(i) Type of ownership.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(ii) Responsible managerial officials, such as board members or corporate officers, and the individual(s) in charge of long-term capital planning and capital repair and maintenance and a brief description of their qualifications.	"	"	"
(iii) The certified primary operator and any other individual(s) directly responsible for achieving effective and reliable routine operations.	"	"	"
(iv) A list of all subcontracted services such as engineering, legal and accounting.	"	"	"
(c) A description of the financial capabilities of the private utility that includes:	"	"	"
(i) A summary of past income and expenses.	"	"	"
(ii) A five-year balanced operational budget.	"	"	"
(iii) A twenty-year projected operational budget in which revenues meet or exceed expenses.	"	"	"
(iv) A twenty-year capital improvements plan.	"	"	"
(v) An explanation of the sources of revenue and the method that will be implemented to insure collection of the revenue necessary to maintain cash flow stability.	"	"	"
(vi) An explanation of funding method that will be implemented for maintaining an operating cash reserve.	"	"	"
(vii) An explanation of the funding for the capital improvement program and emergency repairs.	"	"	"
(viii) An explanation of user fees that includes evaluation of affordability and the procedure and frequency for review to ensure adequate revenue; and	"	"	"
(ix) A summary of the state of Washington Utilities and Trade Commission rates and rate setting process, as applicable.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(4) The lead agency may decline to issue a reclaimed water permit based on a determination of inadequate technical, managerial or financial capacity, or lack of sufficient information on which to make a determination, the private utility may establish adequate capacity by entering into an agreement with a public entity to serve as the primary management entity or as a third party guarantor. The agreed management must be binding on both parties to remain in force until the lead agency determines that the private utility has the technical, managerial, and financial capacity to qualify for a reclaimed water permit, or until the private utility enters into an agreement with another public entity.</p>	new	RCW 90.46.240 Applies to both Ecology/DOH	Provides options for private utilities - however, private utilities are not required to reclaimed water.
WAC 173-219-160 Engineering Report			
<p>(1) An applicant for a reclaimed water permit under this chapter must submit an engineering report as part of its application consistent with the rules of the lead agency, sufficient to meet the provisions of this subsection and WAC 173-219-100, Impairment Analysis. The engineering report is the basis for the design for the entire reclaimed water treatment facility including the treatment, storage, distribution, and use areas, and shall reflect good engineering and public health protection practices.</p>	New - but this entire section substantially follows current practices in 173-240 WAC.	RCW 90.46.240 - authorizes submittal of plans and reports. WAC 173-240- 060 - Engineering reports for construction of wastewater facilities. Also, relevant sections of laws and regulations referenced for the general sewer plan above. Applies to Applicant	No change intended. Follows current practices in the 1997 Water Reclamation and Reuse Standards (not adopted) and codifies requirements specific to reclaimed water facilities.
<p>(2) The engineering report must provide sufficient detail for a professional engineer to complete plans and specifications consistent with the information within the approved engineering report.</p>	"	"	"
<p>(3) The engineering report must include the following content together with any other relevant data requested by the reviewing agencies:</p>	"	"	"
<p>(a) The name, address, and telephone number of the owner of the existing and proposed reclaimed water facilities, and of the owner's authorized representative.</p>	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(b) A project description that includes a location map and a map of the present and proposed areas for reclaimed water distribution and use.	"	"	"
(c) The proposed quantity, quality and uses of the reclaimed water generated by the reclaimed water facility.	"	"	"
(d) Analysis of potential impairment of existing water rights as required under WAC 173-219-100.			
(e) A description of who will operate, and maintain the reclaimed water facility, the proposed methods of operation and maintenance, staffing levels, qualifications, experience, and responsibilities, and testing requirements.	"	"	"
(f) The specific responsibilities of the reclaimed water generator, distributors and users, if different. Describe how the generator will provide information to existing or proposed distributors or users regarding:	"	"	"
(i) Responsibilities of the distributor and users of reclaimed water.	"	"	"
(ii) Best management practices.	"	"	"
(iii) The quality of the reclaimed water provided.	"	"	"
(iv) Any limitations on availability or suitability of the water for the proposed use.	"	"	"
(v) Any certification, such as under chapter 246-292 WAC, provided or required for operation of the distribution system and storage of reclaimed water to protect public health.			
(vi) Any training provided or required for distribution or use of the water.	"	"	"
(vii) Provisions included in ordinances and user agreements relevant to the collection, treatment, storage, distribution, and use of reclaimed water.	"	"	"
(g) A list of the locations of nearby, as defined in sections 500 and 520, public water supply sources, delineated wellhead protection areas for wells used for public water supply, and facilities in the proposed reclaimed water treatment, storage, distribution, and use areas. Describe how the generator will notify and coordinate with their owners on topics such as cross-connection control plans and actual backflow incidents.			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(h) An analysis of potential physical and water quality impacts from the reclaimed water treatment, storage, distribution and use areas to nearby public water system(s) facilities and source water, including when using surface water to convey reclaimed water to users under section 540 of this rule. Facilities include, but are not limited to wellheads, surface water intakes, treatment works, and piping.			
(i) Calculate and identify, if applicable:			
(i) A public health-protective minimum horizontal distance between a proposed reclaimed water discharge point and any surface water and groundwater under the influence of surface water intakes for potable water, similar to a mixing zone analysis; and			
(ii) Minimum horizontal separation between reclaimed water discharge and a potable water intake to protect the physical integrity of the potable intake from damage caused by such things as scour, erosion and flooding.			
(j) Identify applicable requirements of the Uniform Plumbing Code amended for Washington state, including pipe colors and labeling.			
(k) Reclaimed water distribution system design, including meeting the requirements of WAC 173-219-520, and consistent with the most recent version of the <i>DOH Water System Design Manual</i> .			
(l) The degree of treatment required to generate reclaimed water for the proposed uses based upon applicable technical standards in this chapter, the amount, characteristics and strength of the wastewater to be treated, and other influencing factors.	"	"	"
(m) Processes and diagrams of all reclaimed water unit processes, reliability features and controls.	"	"	"
(n) The basis for design. Reference requirements within this chapter, published design standards, pilot plant results and site-specific data.	"	"	"
(o) The reliability assessment of all major or otherwise significant equipment and components, individual unit processes and complete treatment trains. Including but not limited to:	"	"	"
(i) Flexibility of design	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(ii) Power supply	"	"	"
(iii) Unit processes	"	"	"
(iv) Alarms	"	"	"
(v) Automated diversions	"	"	"
(vi) Storage	"	"	"
(vii) Provisions for disposal of reclaimed water or alternative uses	"	"	"
(p) The engineering design calculations for the reclaimed water process. Include:	"	"	"
(i) Aeration / organic carbon reduction	"	"	"
(ii) Nutrient reduction (if required)	"	"	"
(iii) Disinfection system selection	"	"	"
(iv) Disinfectant reactor contact time	"	"	"
(v) Coagulation and filtration processes (if required)	"	"	"
(vi) Reverse osmosis process (if required)	"	"	"
(q) A description of the contingency plan assuring that untreated or inadequately treated wastewater will not be delivered to the use area.	"	"	"
(r) An estimate of the costs and expenses of the proposed facility and the method of assessing costs and expenses. The total amount must include capital and operational costs for the life of the project, in terms of total annual cost and present worth.	"	"	"
(s) The applicable information required in the following. An approved engineering report may be referenced.	"	"	"
(i) WAC 173-240-060 requirements for an engineering report for domestic wastewater facilities.		WAC 173-24-060	
(ii) WAC 246-272B, Parts 3 and 4, if applicable, for a site and environmental review, pre-design report, and engineering report for large on-site sewage systems;		WAC 246-272B	
(iii) WAC 246-271-170 for an engineering report; and	"	WAC 246-271-170	"
(iv) WAC 246-290-110 for a project report for public water systems.	"	WAC 246-290-110	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(t) A statement regarding compliance with the State Environmental Policy Act (SEPA) and, where required, the National Environmental Policy Act (NEPA).	"	"	"
(u) A statement regarding compliance with any applicable state or local water quality management plan or any plan adopted under the Federal Water Pollution Control Act as amended.	"	"	"
(v) If the reclaimed water will be used for a wetland, the information required in WAC 173-219-600.	"	WAC 173-219-600	"
(w) If the reclaimed water will be used for streamflow and surface water augmentation, the information required in WAC 173-219-610(8).		WAC 173-219-610	
(x) If the reclaimed water will be used for ground water recharge, the information required in WAC 173-219-620(8).	"	WAC 173-219-620	"
(y) If the reclaimed water will be used for aquifer storage and recovery, the information required in WAC 173-219-630(2).	"	WAC 173-219-630	"
(4) Use management plan. The engineering report or a supplement thereof must include a plan for management of the use site(s) covered or proposed for coverage under the reclaimed water permit. The use management plan must be sufficiently complete regarding the water quality, location, rate and purpose of use for the lead agency to determine the uses and users that may be covered under the reclaimed water permit without reopening the permit. The use management plan must:	New - but this entire section substantially follows current practices in WAC 246-290-100.	RCW 90.46.240 and WAC 246-290-100 Water System plan for water purveyors Applies to Applicant	"
(a) Include or reference any supplemental reports by qualified soil scientists, professional geologists, professional engineers, or other qualified individuals used as a basis for site management.	"	"	"
(b) Include the following content, if applicable to the use, together with any other relevant information requested by the lead or nonlead agency:	"	"	"
(i) The types of uses proposed and whether the reclaimed water provides essential services such as fire protection that cannot be disrupted.	"	"	"
(ii) The specific responsibilities of the reclaimed water generator, distributors, and users, if different. Describe how the generator will provide information to existing or proposed distributors or users	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
regarding:			
(A) Responsibilities of the distributor and users of the reclaimed water generated.	"	"	"
(B) Best management practices.	"	"	"
(C) The quality of the reclaimed water provided.	"	"	"
(D) Any limitations on availability or suitability of the reclaimed water for the proposed use.	"	"	"
(E) Any training provided or required for distribution or use of the reclaimed water.	"	"	"
(F) Provisions included in ordinances and user agreements relevant to the collection, treatment, storage, distribution, and use of the reclaimed water.	"	"	"
(iii) Any proposed modification of existing pipes or related infrastructure to convey reclaimed water.	"	"	"
(iv) Identification and location of nearby public water supply sources and facilities, as defined in sections 500 and 520, and plans to notify and coordinate with the owners of these facilities in advance of proposed modifications to use, treatment, storage, and distribution facilities at the use site.	"	"	"
(v) Any treatment, controls or storage facilities at a use site.			
(vi) The percentage of reclaimed water in the nonpotable water supply and the procedures for blending with other water supplies, if any.	"	"	"
(vii) Reliability features and other site controls used to minimize the potential for human contact or improper use of the reclaimed water, such as hours of use, methods of use, protection of any drinking fountains, picnic tables, food establishments or other eating areas, and training of personnel.	"	"	"
(viii) Measures, such as a use site cross-connection control plan, to reduce risk to human health from cross-connections of reclaimed water to potable and to incompletely treat reclaimed water or improper use of the reclaimed water.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(ix) Measures to reduce the risk of environmental impact. Refer to Section 570(3) and 580(4) for examples of risks of environmental impacts.	"	"	"
(x) Procedures for notification of employees and the public.	"	"	"
(c) For proposed irrigation uses, address the following items. If not known at the time of submittal, can be included in a supplemental report:	"	"	"
(i) The types of crops or vegetation irrigated.	"	"	"
(ii) The types of irrigation systems(s).	"	"	"
(iii) Calculations or other methods used to calculate and assure application is limited to agronomic rates.	"	"	"
(iv) Parameters to be tested in the reclaimed water to assure that reclaimed water is acceptable to address irrigation needs.	"	"	"
(v) Reliability features and other controls used to confine the reclaimed water to the use area and minimize the potential for runoff, ponding, overspray or excessive application.	"	"	"
(vi) Reliability features and other controls used to minimize impact to groundwater quality.	"	"	"
(vii) Methods to maximize reclaimed water efficiency such as metering, soil moisture sensors, irrigation schedules and other controls.	"	"	"
(5) Pilot reclaimed water treatment facility study.	uses 1997 standards	RCW 90.46.020 pointed to use of interim standards (the 1997 Water Reclamation and Reuse (WRR) standards pub #97-23) Applies to Applicant	"
(a) A pilot plant study may be required to encourage innovation or evaluate the ability of the proposed facility to reliably meet all reclaimed water quality requirements applicable to the project.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(b) When required, a study protocol must be submitted for agency review and approval before the pilot plant start-up. The protocol must provide a description of the:	"	"	"
(i) Equipment and facilities to be used during the study.	"	"	"
(ii) Treatment capacity of the pilot plant.	"	"	"
(iii) Operation and maintenance procedures.	"	"	"
(iv) Parameters monitored, monitoring frequency, sampling techniques, and analytical methods.	"	"	"
(v) Length of the study.	"	"	"
(vi) Steps taken to protect both public health and the environment if any discharge of reclaimed water is anticipated during the study.	"	"	"
WAC 173-219-170 Construction Plans and Specifications			
(1) The plans and specifications approved by lead agency for a reclaimed water treatment facility are part of the detailed construction documents by which the owner solicits bids and awards a contract to construct the facility.	New - but this entire section substantially follows current practices in 173-240 WAC.	RCW 90.46.240 - authorizes submittal of plans and reports. WAC 173-240-070 - plans and specs for construction of wastewater facilities. Applies to Applicant	No change intended. Follows current practices in the 1997 Water Reclamation and Reuse Standards (not adopted) and codifies requirements specific to reclaimed water facilities.
(2) The content and format of the plans and specifications must follow applicable requirements in the following:	"	Applies to Applicant	"
(a) WAC 173-240-070, for plans and specifications for domestic wastewater facilities; or			
(b) WAC 246-272B-04400, for plans and specifications for large on-site sewage systems; and			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(3) Plans and specifications must include or reference a list of the design criteria and a plan for interim operation of facilities during construction, where required.	"	Applies to Applicant	"
WAC 173-219-180 Operations and Maintenance Manual			
(1) The operation and maintenance manual must provide sufficient detail to describe the operation and maintenance of the entire reclaimed water facility, storage, and distribution system.	New - but this entire section substantially follows current practices in 173-240 WAC and other relevant laws and rules.	RCW 90.46.240 - authorizes submittal of plans and reports. WAC 173-240-080 - O & M for construction of wastewater facilities. Water system plans under chapter 43.20 RCW, 70.116 RCW or WAC 246-290-100. Water system plans under chapter 43.20 RCW, 70.116 RCW or WAC 246-290-100. Comprehensive reclaimed water plans under RCW 57.16.010 for local improvement districts. Applies to Applicant	No change intended. Follows current practices in the 1997 Water Reclamation and Reuse Standards (not adopted) and codifies requirements specific to reclaimed water facilities.
(2) The operation and maintenance manual must include the following content together with any other relevant data requested by the reviewing agencies:	"	Applies to Applicant	"
(a) A copy of the reclaimed water permit.	"	"	"
(b) Manufacturer's information on the reclaimed water facility equipment.	"	"	"
(c) Technical guidance for both normal and emergency operating conditions.	"	"	"
(d) A section containing the permittee's cross-connection control plan consistent with chapter 246-290 WAC, whose purpose is to protect potable water, and where applicable, reclaimed water, from		WAC 246-290	

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
contamination via cross-connections and that includes this information:			
(i) Identify all potential cross-connection control issues with higher and lower quality waters in the reclaimed water treatment, distribution, storage, and use areas under the control of the reclaimed water permittee;			
(ii) Explain how cross-connections will be eliminated or controlled, including in the use areas under the control of the reclaimed water permittee;			
(iii) List all installed backflow preventers under the control of the permittee, their locations, and their inspection and testing dates;			
(iv) Identify the person(s) or positions(s) responsible for coordination, compliance, inspection, testing, reporting, maintenance, repair and replacement of backflow preventers used by the permittee and their certification(s);			
(v) Include a list of any public potable water purveyors with facilities within the reclaimed water treatment, storage, distribution and use areas, and relevant contact information for each purveyor;			
(e) A communication plan with any potable water purveyors identified in section 180(2)(d)(v) and any other affected agencies regarding:			
(i) The initial reclamation project;			
(ii) Any planned modifications;			
(iii) Proposed and actual uses; and			
(iv) Known or suspected backflow, spill, or exposure incidents that could affect the public potable water system.			
(f) The following information:	"	"	"
(i) The assignment of managerial and operational responsibilities, including plant classification and classification of required certified operators and personnel for treatment, distribution and cross-connection control.	"	"	"
(ii) The principal design criteria.	"	"	"
(iii) A process description of each plant unit, including function, relationship to other plant units, and schematic diagrams.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(iv) A discussion of the detailed operation of each unit and description of various controls, recommended settings, fail-safe features, and other elements that ensure proper operation of equipment.	"	"	"
(v) A discussion of how the generating plant is to be operated during anticipated maintenance procedures, and under less than design loading conditions, and overload conditions, if applicable, such as initial loading on a system designed for substantial growth.	"	"	"
(vi) Information on any maintenance procedures that contribute to the generation of wastewater or residual solids and the proper handling of the wastewater or solids generated.	"	"	"
(vii) A discussion of provisions to provide a sufficient number of qualified personnel to operate the plant effectively to achieve the required level of treatment at all times.	"	"	"
(viii) A section on laboratory procedures, including sampling techniques, monitoring requirements, and sample analysis.	"	"	"
(ix) Recordkeeping procedures and sample forms to be used.	"	"	"
(x) A maintenance program and schedule that incorporates manufacturer's recommendations, preventative maintenance and housekeeping schedules, and special tools and equipment usage to ensure that all unit processes and equipment are kept in reliable operating condition.	"	"	"
(xi) A section on safety.	"	"	"
(xii) A section that lists the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.	"	"	"
(xiii) Emergency plans and procedures including, but not limited to:	"	"	"
(A) Reclaimed water facility shutdown and cleanup in the event of a treatment process upset or failure.	"	"	"
(B) A response plan to ensure that no untreated or inadequately treated wastewater will be delivered to reclaimed water use areas.	"	"	"
(xiv) A section on the distribution system including, but not limited to:	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(A) Responsibilities for operation and maintenance.	"	"	"
(B) Operational controls, maintenance requirements, monitoring and inspection.	"	"	"
(xv) A section on the reclaimed water use areas including, but not limited to:	"	"	"
(A) Responsibilities for operation and maintenance.	"	"	"
(B) Operational controls, maintenance requirements, monitoring and inspection.	"	"	"
(3) For those projects funded by the U.S. Environmental Protection Agency, the operation and maintenance manual must also follow the requirements of the most recent edition of the EPA publication, <i>Considerations for Preparation of Operation and Maintenance Manuals</i> .	"	"	"
WAC 173-219-190 Construction Quality Assurances			
(1) All reclaimed water facilities subject to the provisions of this rule must be constructed in accordance with the plans and specifications approved by the lead agency.	New - but this entire section substantially follows current practices in 173-240 WAC.	RCW 90.46.240 - authorizes submittal of plans and reports. WAC 173-240-090 and 095 - construction quality assurances for construction of wastewater facilities. Applies to Applicant	No change intended. Follows current practices in the 1997 Water Reclamation and Reuse Standards (not adopted) and codifies requirements specific to reclaimed water facilities.
(2) If during construction, the applicant determines a substantial change to the approved plans, and specifications is necessary, the applicant shall submit revisions to the approved engineering plans and specifications to the lead agency for approval.	"	Applies to Applicant	"
(3) Within thirty days after acceptance by the owner of the construction or modification of a reclaimed water facility, the professional engineer responsible for inspection of the project must submit a declaration of construction to the lead agency. The declaration of construction must include:		Applies to Applicant	
(a) Name and brief description of project.	"	"	"
(b) Name and address of the owner of the reclaimed water facility.	"	"	"
(c) Date completed.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(d) Date of approval of plans and specifications.	"	"	"
(e) One complete set of record drawings.	"	"	"
(f) The following statement: "I hereby declare that I am the project engineer of the above identified project and that the project was reviewed and observed by me or my authorized agent. I further declare that the project was, to the best of my knowledge and information, constructed and completed in accordance with the plans and specifications and major change orders approved by the lead agency and as shown on the owner's record drawings."	"	"	"
(g) Signature, date and seal/stamp of a professional engineer.	"	"	"
Part III Reclaimed Water Permits Subpart A Reclaimed Water Permit Application and Procedures			
WAC 173-219-200 Reclaimed Water Permit and Application Required			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(1) Any person proposing to generate reclaimed water for distribution or use must apply to the lead agency for and obtain one of the following types of reclaimed water permits before generating, distributing or using the reclaimed water:</p>	<p>The permitting section is new but substantially follows the permitting process authorized under 90.48 RCW and implementing rules WAC 1730216, state waste discharge program, WAC 173-220, NPDES Permit Program and WAC 173-226 Waste discharge general permit program.</p>	<p>Reclaimed water permitting authorized under RCW 90.46. sections 120, 200 and 220 Applies to Applicant</p>	<p>Little change because reclaimed water facilities are permitted in combination with 90.48 RCW permits. Codifies requirements specific to reclaimed water facilities.</p>
<p>(a) An individual reclaimed water permit under WAC 173-219-220.</p>	<p>provide permit type options</p>	<p>"</p>	<p>"</p>
<p>(b) A master generator reclaimed water permit, if eligible, under WAC 173-219-230.</p>	<p>"</p>	<p>"</p>	<p>"</p>

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(2) The lead agency develops and provides the required application forms. The application forms must include provisions for sufficient information about the water quality, volume generated, purposes of use, locations and other relevant factors for the lead agency to make a draft determination to issue or deny the reclaimed water permit.	follows WAC 173-220-040	Applies to both Ecology/DOH	"
(3) Any person permitted to generate reclaimed water must file a new or supplemental application for any use of reclaimed water not specifically authorized in the reclaimed water permit. . Adding new users for uses authorized in an existing permit does not require supplemental application. Permittee must submit a copy of the new contract for lead agency review and include summary of reclaimed water use by the new customer/user in the annual use report submitted to the lead agencies.	"use" language in RCW 90.46	Applies to Applicant	this is present practice
(4) Exceptions.		Applies to Applicant	
(a) The capture and redirection of wastewater effluent for facility and internal reuse purposes does not require an reclaimed water permit under this chapter, provided those uses are in restricted areas, are not subject to public exposure, are under the direct control of authorized maintenance personnel, and are described within an approved operations and maintenance manual.	new clarification		codifies current practice
(b) Facilities existing on the effective date of this chapter as allowed in WAC 173-219-040.	clarification		no changes triggered by the rule to permitted facilities
WAC 173-219-210 Eligibility to Apply for a Reclaimed Water Permit - Permittee			
(1) Only the person generating the reclaimed water is eligible for a reclaimed water permit.	clarification	Reclaimed water permitting authorized under RCW 90.46. sections 120, 200 and 220 Applies to Permittee	
(2) A permittee must be one of the following:		Applies to Permittee	
(a) A public entity. Nothing in this chapter precludes a public entity from contracting for operation and maintenance of the reclaimed water facility.		"	

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(b) A private utility as defined in RCW 36.94.010 provided the lead agency determines that the private utility meets the requirements for financial and other resources to ensure the reliability, continuity, and supervision of the reclaimed water facility as specified in WAC 173-219-150.	codifies statute	RCW 90.46.220	current practice
(c) Any person currently holding an active waste discharge permit issued under chapter 90.48 RCW, a large on-site sewage system permit under chapter 70.118B RCW, or a permit or approval under chapter 70.118A RCW..	"	"	"
(3) For new facilities, ecology may issue the wastewater discharge permit under chapter 90.48 RCW concurrently with the reclaimed water permit and DOH may issue a reclaimed water permit concurrently with a large on-site sewage permit or an on-site sewage permit or approval by a local health jurisdiction.		Applies to both Ecology/DOH	
(4) The lead agency may require the information specified in WAC 173-219-150 to assure that a private utility has sufficient capacity to provide reliability, continuity, and supervision of the reclaimed water treatment facility.		Applies to both Ecology/DOH	
WAC 173-219-220 Individual Reclaimed Water Permit Application			
(1) Any reclaimed water generator eligible for a reclaimed water permit may apply for an individual permit on the forms provided by the lead agency.	codify statute	RCW 90.46.220 Applies to Applicant	none
(2) Upon receipt and review of a complete and accurate application, the lead agency will require a public notice by electronic mail, posting on the lead agency's internet site, publication in a local newspaper, press releases or other appropriate means.		Applies to both Ecology/DOH	
(3) Upon receipt and review of a complete and accurate application, the lead agency makes a draft determination to issue or deny the reclaimed water permit and prepares a fact sheet consistent with WAC 173-219-260.	"	Applies to both Ecology/DOH	"
WAC 173-219-230 Master Generator Reclaimed Water Permit Application			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(1) The lead agency may issue a master generator reclaimed water permit to a person that meets all of the following qualifications to the satisfaction of the lead agency:	clarify permitting process for master generators	RCW 90.46.220 Applies to both Ecology/DOH	new - intent is to save time and money for master generators
(a) Provides overall management and operational responsibilities for multiple facilities generating reclaimed water.	"	"	"
(b) Owns or otherwise demonstrates direct control over all facilities included under one reclaimed water permit. The facilities do not have to be physically connected with each other.	"	"	"
(c) Upon receipt and review of a complete and accurate application, the lead agency makes a draft determination to issue or deny a reclaimed water permit and prepares a fact sheet.	"	"	"
(d) Satisfies all other permitting requirements under this chapter.			
WAC 173-219-250 Signature Requirements			
(1) Signature on Reclaimed Water Permit Application. All reclaimed water permit application forms must be signed as follows:	New but written to provide consistency with existing permit program for waste discharge permits	RCW 90.46.220. Follows process outlined in WAC 173-220-040 for the NPDES program and WAC 173-226-200 waste discharge general permit program Applies to Applicant	codifies current practice
(a) Public agency; by either the principal executive officer or ranking elected official.	"	"	"
(b) Corporations; by a responsible corporate officer.	"	"	"
(c) Partnership, by a general partner.	"	"	"
(d) Sole proprietorship; by the proprietor.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(2) Signature on Other Required Submittals.	"	" Applies to Applicant	"
(a) All other required submittals must be signed by either the person in subsection (1) or by their duly authorized representative.	"	"	"
(b) A person is a duly authorized representative only if the person described in subsection (1) of this section submits written authorization to the lead agency and specifies an individual or a position with responsibility for the overall operation of the regulated facility or activity.	"	"	"
(c) If an authorization under (b) of this subsection is no longer accurate, the person in subsection (1) must submit a new authorization before or with the signed submittal.	"	"	"
(3) Certification. Any person signing a document under this rule must make the following certification, unless a different certification is applicable under another related section of this rule: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a facility designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the facility, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for violations."	"	Applies to Applicant "	"
WAC 173-219-260 Fact Sheet			
(1) The fact sheet completed by ecology must, at a minimum, summarize the:	consistency with existing permit program for waste discharge permits	RCW 90.46.220. Follows process outlined in WAC 173-220-060 for the NPDES program and WAC 173-226-110 waste discharge general permit program Applies to both Ecology/DOH	codifies current practice
(a) Type and location of all proposed reclaimed water treatment facilities.	"	"	"
(b) Reclaimed water quality and purpose of use.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(c) Legal and technical basis for the reclaimed water permit terms and conditions.	"	"	"
(d) Procedures described in WAC 173-219-270 for public review and comment.	"	"	"
(2) Fact sheets for NPDES permits must also include the additional information required under WAC 173-220-060.	"	Applies to both Ecology/DOH	"
WAC 173-219-270 Notifications, Comments and Procedures			
(1) Pre-notice review. Before notifying the public of a draft determination to issue an reclaimed water permit, the lead agency must:	new	Follows Ecology process for permit applicants under 90.48 RCW as described in guidance (the Permit Writer's Manual) except this provides the non-lead agency an opportunity for review and a shorter review period (10 days instead of 30) Applies to both Ecology/DOH	codifies review opportunity
(a) Allow the nonlead agency at least ten working days to review and submit written comments on or objections to the proposed reclaimed water draft permit and fact sheet.	"	"	"
(b) Upon request, provide the applicant with a copy of the proposed draft reclaimed water permit and fact sheet in a form completed after any comments from the nonlead agency are incorporated, and allow at least ten working days for the applicant to make factual corrections to the information contained therein.	"	"	"
(2) Public Notice. The lead agency must notify the public of the lead agency's draft determination to issue or deny an reclaimed water permit under this chapter by an appropriate means such as electronic mail, posting on the lead agency's internet site, publication in a local newspaper, press releases or other means that:	Consistent with other permitting processes	RCW 90.46.220(6). Loosely follows processes outlined in WAC 173-220-050 for the NPDES program and WAC 173-226-130 and 140 waste discharge general permit program Applies to both Ecology/DOH	None intended. Codifies process.

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(a) Conveys the lead agency's draft determination to issue or deny a reclaimed water permit under this chapter.	"	"	"
(b) Informs interested and potentially affected persons of the proposed reclaimed water quality, location, rate and purpose of use.	"	"	"
(c) Informs the public living within the geographical boundaries of the proposed project or service area.	"	"	"
(d) Notifies other affected federal, state, county or local government agencies and Indian tribes of the draft determination. For permits subject to NPDES requirements, notify all government agencies as required under WAC 173-220-070.	"	"	"
(e) Notifies any other parties that requested notification.	"	"	"
(f) If DOH is the lead agency it may require the applicant to provide the public notice details described in this section, consistent with the requirements of WAC 246-272B-2200-2300, regardless of the size of the reclaimed water and on-site sewage system(s).	"	Applies to Applicant	"
(3) Contents of public notice. The public notice must, at a minimum, include:	"	Applies to both Ecology/DOH	"
(a) The name, address, and phone number of the lead agency issuing the public notice.	"	"	"
(b) The procedure for obtaining copies of the fact sheet and the draft permits.	"	"	"
(c) The types and locations of facilities, activities and uses covered under the reclaimed water permit.	"	"	"
(d) The geographical area covered by the reclaimed water permit.	"	"	"
(e) The draft determination to issue or deny the reclaimed water permit.	"	"	"
(f) The procedures for the formulation of final decisions, including the thirty-day public notice and comment period and any other means by which interested persons may comment upon those decisions.	"	"	"
(g) The address and phone number of the state premises at which interested persons may obtain further information.	"	"	"
(h) For individual and master reclaimed water generator permits, include the following additional information:	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(i) The name and address of each applicant, and if different, of the reclaimed water facility or activity to be regulated.	"	"	"
(ii) Whether this is a new or existing reclaimed water facility, activity or use.	"	"	"
(iii) The actual or proposed reclaimed water quality.	"	"	"
(iv) The actual or proposed locations, uses, and quantity of reclaimed water required.	"	"	"
(v) The potential for impairment of existing downstream water rights and any compensation or mitigation proposed for such impairment.	"	"	"
(vi) The criteria and process to add new reclaimed water facilities, users, or uses under the reclaimed water permit.	"	"	"
(4) Comment Period. The lead agency must:	"	Applies to both Ecology/DOH	"
(a) Provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written comments on a draft determination.	"	"	"
(b) Retain and consider all written comments submitted during the comment period in the formulation of the lead agency's final decision with respect to the reclaimed water permit. The period for comment may be extended at the discretion of the lead agency.	"	"	"
(5) Public access to information.	"	Applies to both Ecology/DOH	"
(a) In accordance with chapter 42.56 RCW, the lead agency must make records relating to reclaimed water permits available to the public for inspection and copying. The lead agency may require a reasonable fee for copying of documents.	consistency with other Ecology permitting programs	42.56 RCW - Loosely follows processes outlined in WAC 173-220-080 for the NPDES program and WAC 173-226-160 waste discharge general permit program	none
(b) Claims of confidentiality must be handled in accordance with the provisions of chapter 42.56 RCW, chapter 173-03 WAC, and RCW 43.21A.160.	"	"	"
(c) For reclaimed water permits that are also subject to NPDES permit requirements, any information accorded confidential status must be disclosed to the USEPA regional administrator if the USEPA requests this information.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(6) Public workshops or hearings. The applicant or any interested agency or person may request a public workshop or hearing with respect to a draft determination.	"	Loosely follows process for public hearings in WAC 173-220-090 and 100 for the NPDES program and WAC 173-226-150 waste discharge general permit program Applies to all Applicant, Ecology/DOH	"
(a) Any such request for a public workshop or hearing must:	"	"	"
(i) Be filed with the lead agency prior to the end of the public comment period.	"	"	"
(ii) Indicate the interest of the party filing such request.	"	"	"
(iii) Indicate the reasons why a workshop or hearing is needed.	"	"	"
(b) The lead agency may hold a workshop or hearing in its sole discretion.	"	"	"
(c) The lead agency determines the time and place to hold the workshop or hearing.	"	"	"
(d) At least thirty days in advance of the workshop or hearing, the lead agency must publish notice of the event at least as widely as the public notice of the draft determination. The notice must include the:	"	"	"
(i) Name, address, and phone number of the agency holding the public workshop or hearing.	"	"	"
(ii) Time and location for the workshop or hearing.	"	"	"
(iii) Nature and purpose of the workshop or hearing.	"	"	"
(iv) Issues indicated by the persons requesting the workshop or hearing, and any other appropriate issues thought to be of interest to the public.	"	"	"
(v) A reference to the public notice provided under this section including the method of notice and date of issuance.	"	"	"
(vi) Contacts and locations where interested persons may obtain more information.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(7) Notification of Final Permit Decision. The lead agency must notify the applicant, the nonlead agency, and all persons who have submitted written comments or requested notice of the final permit decision. This notice must include a response to comments received, the final decision, a copy of any permit issued and the procedures for contesting the decision.</p>	Consistent with other permitting processes	RCW 90.46.220(6). Loosely follows processes outlined in WAC 173-220-050 for the NPDES program and WAC 173-226-130 and 140 waste discharge general permit program Applies to both Ecology/DOH	None intended. Codifies process.
<p>WAC 173-219-280 Transfer of a Reclaimed Water Permit</p>			
<p>A reclaimed water permit may be automatically transferred provided a written agreement between the old and new owners of the reclaimed water generation plant and the permittees, if different, is submitted to the lead agency at least thirty days before the proposed change takes place. The agreement must specify the date for transfer of reclaimed water permit responsibility, coverage and liability.</p>	Consistent with other permitting processes	RCW 90.46.220(4) Loosely follows processes outlined in WAC 173-220-200 for the NPDES program and WAC 173-226-210 waste discharge general permit program Applies to Applicant	None intended. Codifies process.
<p>(1) An automatic transfer is effective on the date specified in the written agreement unless the lead agency notifies the parties of their intent to modify or revoke and reissue the reclaimed water permit.</p>	"	"	"
<p>(2) Reclaimed water permits that are not automatically transferred under subsection (1) of this section may be transferred only if modified or revoked and reissued by the lead agency.</p>	"	"	"
<p>WAC 173-219-290 Renewal of a Permit or of Coverage Under a Reclaimed Water General Permit</p>			
<p>(1) Individual and master generator reclaimed water permits are issued for a fixed term, not to exceed 5 years from the effective date, and to avoid expiration renewal must be accomplished as follows:</p>	Consistent with other permitting processes	RCW 90.46.220. Loosely follows processes outlined in WAC 173-220-180 for the NPDES program.	None intended. Codifies process.
<p>(a) The permittee must file for renewal of their reclaimed water permit at least 180 days before the permit expiration date on a form provided by the lead agency.</p>	"	Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(b) The lead agency must review the renewal application sufficiently to determine whether:	"	Applies to both Ecology/DOH	"
(i) The permittee is in substantial compliance with all of the terms, conditions, requirements and schedules of compliance of the expiring reclaimed water permit.	"	"	"
(ii) The application information is up-to-date.	"	"	"
(iii) The reclaimed water quality is consistent with the applicable water quality standards, and limitations and other legally acceptable requirements.	"	"	"
(c) As long as the permittee meets the application requirements and deadlines for renewal, an expiring reclaimed water permit remains in effect and enforceable until the lead agency either denies the application or issues a replacement permit. If a permittee fails to meet the deadline or application requirements for renewal, coverage expires on the expiration date of the reclaimed water permit.	"	Applies to Permittee	"
(d) For each draft replacement reclaimed water permit, the lead agency shall provide for adequate public notice and opportunity for public review and comment in accordance with the process established under WAC 173-219-240.	"	Applies to both Ecology/DOH	"
WAC 173-219-295 Reclaimed Water Permit Modification or Revocation			
(1) The lead agency may modify or revoke an reclaimed water permit in whole or in part during its term for cause including, but not limited to:	Consistent with other permitting processes	RCW 90.46.220(5). Loosely follows processes outlined in WAC 173-220-190 for the NPDES program and WAC 173-226-230 waste discharge general permit program Applies to both Ecology/DOH	None intended. Codifies process.
(a) Violation of any term or condition including but not limited to a repeated violation or event, such as inadequate monitoring and maintenance, which threatens public health or the environment.	"	Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(b) A reclaimed water permit was obtained by misrepresentation or failure to disclose fully all relevant facts.	"	"	"
(c) A change in any condition that requires either a temporary or permanent reduction or cessation of generation, distribution or use of the reclaimed water.	"	"	"
(d) A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations.	"	"	"
(e) Failure or refusal of the permittee to allow entry for reclaimed water permit compliance inspection.	"	"	"
(f) Nonpayment of assessed reclaimed water permit fees.	"	"	"
(g) A material change in the quantity or type of reclaimed water generated.			
(h) A material change in the condition of the waters of the state.			
(2) Public notice and an opportunity for public comment must be provided in the manner directed in WAC 173-219-270 in those instances where changes are proposed which lessen the stringency of enforceable limits. In all other instances, the lead agency determines the form of public notice and public participation, if any, on a case-by-case basis according to the significance of the proposed action. Modification may also require a supplemental impairment analysis and determination of impairment to the extent required under WAC 173-219-100(6).	"	Applies to both Ecology/DOH	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
Subpart B Permit terms and conditions			
WAC 173-219-300 Standard Reclaimed Water Permit Conditions.			
The following standard conditions apply to and must be included in all reclaimed water permits issued under this chapter.	Consistent with other permitting processes	RCW 90.46.200 and 220. Loosely follows processes outlined in WAC 173-220-150 for the NPDES program and WAC 173-226-080 waste discharge general permit program Applies to Permittee	None intended. Codifies process.
(1) Compliance Required. The permittee must comply with all terms and conditions of the reclaimed water permit. The generation, distribution or use of reclaimed water in a manner not authorized by a permit, or that violates the terms and conditions of a permit is prohibited.	"	"	"
(2) Signatory Requirements. All applications, reports, or information submitted to the lead agency must be signed as required under WAC 173-219-250.	"	"	"
(3) Removed substances. Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment must not be resuspended or reintroduced to the reclaimed water or to an effluent stream discharging to state waters.	"	"	"
(4) Sampling and Analytical Procedures. Sampling and analytical methods must conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136 or to the latest revision of Standard Methods for the Examination of Water and Wastewater (APHA), unless otherwise specified in the reclaimed water permit . . . Most recent in this section means at the time of permit issuance or renewal.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(5) Accreditation of Environmental Laboratories. A laboratory registered or accredited under the provisions of WAC 173-50, Accreditation of Environmental Laboratories, must prepare all monitoring data required by the reclaimed water permit. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement unless the laboratory must obtain accreditation for other parameters.	"	"	"
(6) Plan Review Required. Before constructing or significantly modifying reclaimed water facilities, the permittee must submit planning, design, and construction documents for approval. Prior to operation, the permittee must submit an operation and maintenance documents for approval.	"	"	"
(7) Regulatory entry and access. For the purpose of assessing compliance, the permittee must allow the lead and nonlead agencies the right to:	"	"	"
(a) Enter the permitted reclaimed water facilities and premises where records are kept.	"	"	"
(b) Inspect any records that must be kept under the conditions of the reclaimed water permit.	"	"	"
(c) Inspect any facility, equipment, practice, or operation permitted or required by the reclaimed water permit.	"	"	"
(d) Sample or monitor any substance or any parameter at the reclaimed water facility.	"	"	"
(e) Copy, at reasonable cost, any records required to be kept under the terms and conditions of the reclaimed water permit.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(8) Duty to provide information. If the permittee has failed to submit any relevant facts, or has submitted incorrect information in a reclaimed water permit application, or in any report to the lead agency, it must promptly submit such facts or information. The permittee must furnish to the lead agency within a reasonable time as specified by the lead agency, any information including copies of records, construction submittals or new reclaimed water permit applications, which may be requested by the lead agency to determine whether cause exists for modifying, revoking, re-issuing, or terminating the reclaimed water permit, or to determine compliance with the permit or this chapter. The falsification of information submitted to the lead agency constitutes a violation of the terms and conditions of the reclaimed water permit.</p>	"	"	"
<p>(9) Reporting planned changes. The Permittee must provide advance notice to the lead agency of any reclaimed water facility expansions, production increases, or other planned changes, such as maintenance activities or process modifications that may result in noncompliance with permit limits or conditions.</p>	"	"	"
<p>(10) Noncompliance action required. The permittee must take immediate action to stop, contain, and cleanup unauthorized generation, distribution, or use of reclaimed water, including any unauthorized discharges or otherwise stop the violation, and correct the problem and to notify the lead agency of a failure to comply with reclaimed water permit requirements. Unless requested earlier, the permittee must submit a written report to the lead agency within thirty days of the violation that describes the following:</p>	"	"	"
<p>(a) Describing the noncompliance and its cause, if known;</p>	"	"	"
<p>(b) The period of noncompliance including times and dates, to the extent possible, and if the compliance has not been corrected, the anticipated time it is expected to continue;</p>	"	"	"
<p>(c) The corrective actions taken;</p>	"	"	"
<p>(d) Steps planned to reduce or eliminate recurrence; and</p>	"	"	"
<p>(e) Any other pertinent information.</p>	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(11) Notification Requirement. In the event of any change in control or ownership of reclaimed water facilities from which the authorized reclaimed water production emanates, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to the lead agency.	"	"	"
(12) Renewal responsibilities. If the permittee intends to continue operation of the permitted reclaimed water facility after the expiration of an existing reclaimed water permit, the permittee must apply for a new reclaimed water permit in accordance with WAC 173-219-290.	"	"	"
(13) Cause for modification, suspension or termination. The reclaimed water permit is subject to modification, suspension, or termination, in whole or in part by the lead agency for cause including but not limited to the causes listed in WAC 173-219-295 or when remanded to ecology for modification by the pollution control hearings board. The lead agency may also modify a reclaimed water permit, including the schedule of compliance or other conditions, if it determines good cause exists, such as promulgation or revisions of regulations or new information.	"	"	"
(14) Penalties for violating permit conditions.	"	"	"
(a) Any person who is found guilty of willfully violating the terms and conditions of a reclaimed water permit is guilty of a crime, and upon conviction thereof may be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.	"	"	"
(b) Any person who violates the terms and conditions of a reclaimed water permit incurs, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is considered a separate and distinct violation.	"	"	"
(c) Any person who generates any reclaimed water for a use regulated under this chapter and distributes or uses that reclaimed water without a permit is in violation of this chapter and incurs, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is considered a separate and distinct violation.			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(15) Compliance with other laws and statutes required. Nothing in the reclaimed water permit excuses the permittee from being in compliance with any applicable federal, state, or local statutes, ordinances, or regulations.	"	"	"
WAC 173-219- 310 Specific Reclaimed Water Permit Conditions			
The reclaimed water permit must include specific conditions necessary for the protection of public health and the environment that may differ from facility to facility because of characteristics specific to the permitted reclaimed water facilities. The reclaimed water permit must specify conditions determined to be necessary by the lead agency in order to implement chapters 173-219 WAC and chapters 90.46, 90.48, and 70.118B RCW as applicable.	Consistent with other permitting processes	RCW 90.46.200 and 220. Loosely follows processes outlined in WAC 173-220-130 for the NPDES program and WAC 173-226-070 waste discharge general permit program Applies to Permittee	None intended. Codifies process.
(1) Basis for specific conditions. Characteristics specific to the permitted reclaimed water facilities include, but are not limited to the:	"	Applies to Permittee	"
(a) Nature of the source water to the reclaimed water plant.	"	"	"
(b) Chemical, biological, physical characteristics of the reclaimed water generated.	"	"	"
(c) Size of the reclaimed water facility, the approved facility design, reliability features and methods of operation.	"	"	"
(d) Methods of distribution.	"	"	"
(e) Types of uses covered under the reclaimed water permit.	"	"	"
(f) Location including geology, climate, land use, population, and sensitivity of waters of the state.	"	"	"
(g) Compliance history of the reclaimed water facility and the need for monitoring and recordkeeping to document compliance.	"	"	"
(h) Legal considerations relative to land use, water rights, and the public interest.	"	"	"
(i) Requirements from other state and federal agencies.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(2) Reclaimed Water Permit duration. Reclaimed water permits may be issued for up to five years. The reclaimed water permit must specify the issue date, effective date and expiration date.</p>	<p>Consistent with other permitting processes</p>	<p>RCW 90.46.200 and 220. Similar to WAC 173-220-180 for the NPDES program and WAC 173-226-220 waste discharge general permit program Applies to Permittee</p>	<p>None intended. Codifies process.</p>
<p>(3) Compliance Schedules. The reclaimed water permit may allow a compliance schedule establishing specific steps or actions the permittee must take and the deadlines for compliance with the required steps or actions. Compliance schedules in permits must conform with the requirements listed in WAC 173-219-060.</p>	<p>Consistent with other permitting processes</p>	<p>RCW 90.46.200, 210 and 220. Similar to WAC 173-220-140 for the NPDES program and WAC 173-226-180 waste discharge general permit program WAC 173-219-060 Compliance Applies to Permittee</p>	<p>None intended. Codifies process.</p>
<p>(4) Source control and pretreatment. The reclaimed water permit must specify conditions for source control and pretreatment appropriate to the type and size of the reclaimed water treatment facility. Conditions may include specific prohibitions, pretreatment requirements, industrial user surveys, establishment of local ordinances, inspections, public education requirements or other source control measures such as pollution prevention plans.</p>	<p>new</p>	<p>RCW 90.46.200, 210 and 220. similar to WAC 173-220-090(e) Applies to Permittee</p>	<p>Codifies process.</p>
<p>(5) Water quality limits. The reclaimed water permit must specify enforceable water quality limits verifying that the required treatment processes at the reclaimed water plant are functioning correctly and that the reclaimed water facility is reliably achieving the required technology- and use-based standards. Enforceable limits must include the minimum requirements established in the technical standards. The reclaimed water permit must list each required parameter, the regulatory limits, the sample type, method, and point of compliance. The reclaimed water permit must establish the action required when exceeding a limit is a permit violation.</p>	<p>Consistent with other permitting processes</p>	<p>RCW 90.46.200, 210 and 220. Similar to WAC 173-220-210 for the NPDES program and WAC 173-226-090 waste discharge general permit program Applies to Permittee</p>	<p>Codifies process.</p>

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(6) Monitoring Schedules. The reclaimed water permit must establish a detailed self-monitoring and testing schedule for water quality limits and other substances or parameters to be monitored in the reclaimed water or in waters of the state. Specified monitoring parameters, sample types, locations and frequencies must include any minimum requirements established in the technical standards in this chapter for the permitted use(s). Permit conditions should base requirements on available guidance or model permits, the quantity, quality and variability of the reclaimed water, the treatment methods, significance of the pollutants, the availability of appropriate indicator or surrogate parameters, the cost of monitoring, and past compliance history. The lead agency may increase monitoring parameters or frequency for cause including but not limited to significant, recurrent reclaimed water permit violations or where determined necessary to protect public health and the environment.</p>	"	Applies to Permittee "	"
<p>(7) Influent monitoring. The reclaimed water permit must specify the requirements for the monitoring of influent to the reclaimed water plant. Minimum requirements include flow, biochemical oxygen demand (BOD5), total suspended solids and pH. Reclaimed water plants required to reduce nitrogen concentrations across the treatment processes must monitor influent nitrogen levels. If the influent to the reclaimed water treatment plant is effluent from a wastewater treatment plant, the Permittee may use monitoring data collected for the wastewater discharge permit to fulfill all or part of influent monitoring requirements.</p>	new	RCW 90.46.200, 210 and 220. Similar to WAC 173-220-210 for the NPDES program and WAC 173-226-090 waste discharge general permit program Applies to Permittee	Codifies process.
<p>(8) Assessment of contaminants of emerging concern or CEC. The lead agency may include in the reclaimed water permit monitoring for CEC in the reclaimed water, the receiving environment, or both, for the purpose of evaluating or estimating the nature, extent, and detected compounds for the protection of public health and the environment.</p>	"	Applies to Permittee	"
<p>(9) Representative Sampling and Analysis. In addition to the standard requirements, the reclaimed water permit may establish specific conditions to assure that sampling and measurements accurately represent the volume and nature of the parameters monitored.</p>	"	Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(10) Field Instrumentation Measurement, Accuracy, and Calibration. The reclaimed water permit must establish requirements based on manufacturer's requirements and accepted scientific practices for the appropriate installation, use, calibration and maintenance of monitoring equipment for flow, field measurements and continuous monitoring devices and methods.</p>	"	Applies to Permittee	"
<p>(11) Recordkeeping and reporting.</p>		Applies to Permittee	
<p>(a) Reclaimed water permit conditions must specify the requirements for recordkeeping for each measurement or sample taken including:</p>	"	"	"
<p>(i) The date, the exact place and time of sampling, and the individual who performed the sampling or measurement.</p>	"	"	"
<p>(ii) The dates the analyses were performed and the individual who performed the analyses.</p>	"	"	"
<p>(iii) The analytical techniques or methods used and the results of all analyses.</p>	"	"	"
<p>(b) Reclaimed water permit conditions must specify the reporting requirements for routine compliance monitoring including the content and forms, reporting frequency (monthly, quarterly, annually), the beginning and ending of reporting periods and due dates, whether reporting is required when the permittee is not generating reclaimed water, and where and how to send reports.</p>	"	"	"
<p>(c) The reclaimed water permit may establish requirements for recordkeeping and reporting of other operational records such as preventative maintenance activities and corrective actions.</p>	"	"	"
<p>(12) Records retention. The reclaimed water permit must specify the requirements for retention of all monitoring records at specified locations for a minimum period of three years. Reclaimed water permit conditions may specify other records that must be retained such as calibration and maintenance records, original recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for this permit. The reclaimed water permit may establish requirements that extend the period of retention for some or all records during the course of any unresolved litigation or when requested by the lead agency.</p>	"	Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(13) Facility loading. Where design criteria have been established in an engineering report, the permittee shall not allow flows or waste loading to exceed approved design criteria. The reclaimed water permit must establish conditions to assure that the facility operates within the approved design capacity. The reclaimed water permit may specify design limits that the facility may not exceed, periodic assessments, reporting of flow and loadings, and warning levels that trigger requirements to maintain adequate capacity.	"	Applies to Permittee	"
(14) Operational reliability.	"	Applies to Permittee	"
(a) The reclaimed water permit must establish appropriate conditions to assure operational reliability at all times. Permit conditions must specify requirements for the following:	"	"	"
(i) Proper operation and maintenance of the reclaimed water facility must be based on the technical standards established in this chapter, good engineering practices, the approved engineering report(s) and the approved operation and maintenance manual(s).	"	"	"
(ii) Site presence and the required level(s) of certified operator(s) as defined in WAC 173-219-010 for all reclaimed water facilities covered under the reclaimed water permit. Required levels of operator certification are established under chapter 173-230 WAC for operators of reclaimed water treatment facilities.	"	"	"
(b) The permit may include a requirement for other certifications for distribution system operation and cross-connection control, such as provided under chapters 246-290 and 246-292 WAC.			
(c) The reclaimed water permit may require submission to the lead agency of any proposed contract for the operation of any reclaimed water treatment facility covered by this permit.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(15) Actions to avoid bypass of treatment. The reclaimed water permit must prohibit the generation, distribution or use of reclaimed water under certain conditions. Reclaimed water permit conditions must specify when and how the reclaimed water facility must cease or otherwise control the generation, distribution and use of reclaimed water including, but not limited to, the reduction, loss, failure, or bypass of any unit processes of the reclaimed water plant. Permit conditions may specify procedures to establish when the treatment processes are sufficiently restored to allow the generation, distribution or use of the reclaimed water. Bypassing of untreated or partially treated wastewater from the approved reclaimed water plant to the distribution system or to the point of use is prohibited.</p>	"	Applies to Permittee "	"
<p>(16) Authorized uses and locations. The reclaimed water permit must include conditions specifying the authorized uses of reclaimed water and the water quality, rates, and locations of use authorized under the permit. The reclaimed water permit must include conditions addressing requirements for management of the use area or areas. The reclaimed water permit may list specific authorizations, require a use summary plan or reference the approved engineering report and use management plan. The distribution or use of reclaimed water not authorized by the reclaimed water permit is prohibited.</p>	consistent with WRR guidance	RCW 90.74, RCW 90.03.255, RCW 90.44.055 Applies to Permittee	new, codifies and clarifies desired practice
<p>(17) Reclaimed water summary plan. The reclaimed water permit must specify the frequency, at least annually, and date(s) of submission of a summary plan. The lead agency must specify content and may provide a reporting form for the use summary plan. The summary plan must summarize the total volume of reclaimed water generated, distributed and used since the last report. The permit may require the summary plan to include one or more of the following:</p>	"	Applies to Permittee "	"
<p>(a) A description of the reclaimed water distribution system;</p>	"	"	"
<p>(b) Identification of all distributors, users, purposes, and locations of use;</p>	"	"	"
<p>(c) A description of the method(s) used to measure the rate and volume of reclaimed water for each use;</p>	"	"	"
<p>(d) Identification of any specific requirements for management of use areas;</p>	"	"	"
<p>(e) Additional monitoring requirements.</p>	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(f) Results of inspections for cross-connections, annual inspections of air gaps, and annual inspection and testing of backflow prevention assemblies under the control of the permittee; or			
(g) Any other information determined to be necessary by the lead agency.			
(18) Adding new users or uses. The permit may include conditions authorizing the addition of certain types of new users or uses without reopening the permit provided a user agreement is approved by the lead agency before a new use is added . The permit must specify the:	"	Applies to Permittee	"
(a) Types of uses authorized;	"	"	"
(b) Locations or areas of authorized uses;	"	"	"
(c) Required reclaimed water quality;	"	"	"
(d) Requirements for evaluation of suitability of proposed uses such as application rates, water balances, and proximity to waters of the state;	"	"	"
(e) Methods and frequency for reporting to the lead agency;	"	"	"
(f) Authority of the lead agency to revoke an authorization for cause;	"	"	"
(g) Identification of any specific requirements for monitoring; and	"	"	"
(h) Any other information determined to be necessary by the lead agency.			
(19) Distribution or use by persons other than the permittee. Unless expressly stated otherwise in enforceable ordinances or contracts, the permittee is responsible for all reclaimed water facilities and activities inherent to the generation, distribution and use of the reclaimed water.	new	RCW 90.46.200, 210 and 220. Applies to Permittee	Clarifies and codifies distributor responsibilities and limits unauthorized distributors
(a) The permittee must coordinate with all potable water system purveyors in whose service areas the permittee operates or owns facilities for treatment, storage and distribution, and/or reclaimed water uses.			
(b) Coordination shall include but is not limited to cross-connection control, pipe installation, facility construction, reclaimed water uses, and any changes to these in order to assure that public health is protected.			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(c) The reclaimed water permit may include conditions authorizing the distribution or use of reclaimed water by persons other than the permittee provided that enforceable provisions are in place that ensure construction, operation, maintenance, and use meets all requirements of the reclaimed water permit and this chapter.	"	"	"
(d) The reclaimed water permit may include conditions requiring the permittee to obtain lead agency review and approval of individual contracts or may specify terms and conditions allowing the use of a standardized contract or local ordinances for all or some distributors, uses, or users.	"	"	"
(20) Water right considerations. The reclaimed water permit must include conditions necessary to address any water right considerations regulated under the reclaimed water permit such as mitigation plans as required under RCW 90.46.130.		RCW 90.46.120, 130, 200, 210 and 220. Applies to Permittee	codifies and clarifies statute language
(21) Additional permit conditions. The reclaimed water permit may establish additional conditions specific to the types of distribution systems and uses authorized within the permit. The reclaimed water permit conditions must assure compliance with the technical standards in this chapter and the approved engineering report.	"	" Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
Part IV – Technical Standards Subpart A Technology-Based Treatment Requirements			
WAC 173-219-400 Minimum Requirements			
Reclaimed water must meet the minimum technology-based treatment and reliability standards required for the use authorized under this chapter.	The statute directs Ecology, in coordination with DOH, to adopt rules that address all aspects of reclaimed water use consistent with the statute.	Water Reclamation and Reuse Standards, (WRR) Pub #97-23 and RCW 90.46.015 and other sections of 90.46 RCW that apply by reference. Applies to Permittee	Clarity of standards that apply. The main change is the application of Ecology's groundwater standards to the use of reclaimed water for surface percolation.
WAC 173-219-410 Source Control and Pretreatment Requirements			
Source water controls must prevent the presence of substances that may affect the reclaimed water quality or the ability to generate reclaimed water. Source water to reclaimed water generating plants must comply with the requirements for:	new	RCW 90.46.015 and 220 Applies to Permittee	None intended. Codifies process.
(1) Pretreatment of industrial wastewater under 40 CFR Part 403, sections 307(b) and 308 in the Federal Water Pollution Control Act, and chapter 90.48 RCW.	existing practice	See laws and regs referenced	"
(2) Discharge restrictions and prohibitions for dangerous waste under chapter 173-303 WAC and WAC 173-216-060.	existing practice	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
WAC 173-219-420 Class A Reclaimed Water			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>Reclaimed water achieving one of the minimum technology-based treatment methods and all applicable performance standards established in this section meets the treatment requirements for Class A.</p>	<p>Largely consistent with existing practices.</p>	<p>RCW 90.46.015-044 directs Ecology, in consultation with DOH, to adopt standards for reclaimed water by 1996. WRR standards published in 1997, not adopted into rule. These standards are the primary basis for the standards in this rule; they reference RCW 90.48: WAC173-221, Discharge standards for domestic wastewater (technical only), WAC 173-200 ground water standards, WAC 173-220 NPDES permit program, WAC 173-216, state waste discharge program, WAC 173-240 Submission of plans and reports for construction of wastewater facilities, DOH authorities under RCW 43.20: WAC 246-271 Public sewage, WAC 246-290 water system plans and reports, and RCW 90.44 groundwater withdrawals and artificially stored water, WAC 173-136 authorizing withdrawals of groundwater. Applies to Permittee</p>	<p>Clarifies and builds on the WRR standards. Codifies standard.</p>
<p>(1) Allowable treatment methods.</p>		<p>Applies to Permittee</p>	

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(a) The traditional method consists of unit processes for biological oxidation, followed by coagulation, filtration and disinfection.	Largely consistent with existing practices.	Unit processes described are defined in WRR standards and further defined in this section.	Clarifies and builds on the WRR standards. Codifies standard.
(b) The membrane filtration method consists of biological oxidation, followed by membrane filtration and disinfection or a membrane bioreactor combining the biological oxidation and membrane filtration processes followed by disinfection.	Largely consistent with existing practices.	similar, but new definition	Clarifies and builds on the WRR standards. Codifies standard.
(c) Alternative treatment methods must demonstrate an equivalent treatment process in a reclaimed water engineering report. Minimum performance standards for an equivalent process must demonstrate that water quality limits are consistently achieved through proper design, operation and maintenance of each of the treatment units in that process.	Largely consistent with existing practices.	Same as alternative processes defined in WRR standards.	Codifies standard.
(2) Biological oxidation performance standards.		Applies to Permittee	
(a) A reclaimed water plant receiving effluent from a domestic wastewater treatment plant is considered to meet the biological oxidation performance standard provided the effluent received meets or exceeds the minimum secondary treatment requirements in WAC 173-221-040.	Largely consistent with existing practices.	All wastewater treatment facilities in WA that discharge to surface waters must also meet WAC 173-201A the water quality standards for surface waters as well as WRR and WAC 173-221-040	Codifies standard
(b) A reclaimed water plant receiving untreated or partially treated wastewater must meet the following performance standards for biological oxidation at a sampling point prior to filtration:	"	WRR and WAC 173-221-050	"
(i) Dissolved oxygen must be measured and present in the effluent or within the biological oxidation process in all samples.	"	WRR	"
(ii) Five-day Biochemical Oxygen Demand (BOD5) must be measured as a 24-hour composite sample in the effluent from the biological oxidation process. BOD5 must not exceed a monthly average of 30 milligrams per liter (mg/L) BOD or a weekly average of 45 mg/L.	"	WRR and WAC 173-221	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(iii) Total Suspended Solids (TSS) must be measured as a 24-hour composite sample in the effluent from the biological oxidation process. TSS must not exceed a monthly average of 30 mg/L or a weekly average of 45 mg/L TSS.	"	"	"
(iv) pH must be measured in the effluent from the biological oxidation process. The pH must be between 6 and 9 standard units unless contributions from industrial sources are not the cause of the pH less than 6.0 or greater than 9.0.	"	"	"
(3) Coagulation/filtration performance standards.		Applies to Permittee	
(a) Turbidity must be continuously measured following filtration and must not exceed a monthly average of 2 NTU or exceed 5 NTU at any time.	"	WRR	"
(b) The lead agency may waive the requirement in WAC 173-219-430(2)(b)(ii) and (iii) of this section to measure TSS and BOD5 prior to filtration. If BOD5 is not measured before filtration, it must be measured as a 24-hour composite sample after the filtration process, and BOD5 at that point must not exceed a monthly average of 10 mg/L.	New but largely consistent with existing practices.	WRR	"
(4) Membrane filtration performance standards.		Applies to Permittee	
(a) Turbidity must be continuously measured following filtration and must not exceed a monthly average of 0.2 NTU or exceed 0.5 NTU reading for more than 5 consecutive minutes.	"	"	"
(b) The lead agency may waive the requirement in WAC 173-219-430(2)(b)(ii) and (iii) of this section to measure TSS and BOD5 prior to filtration. If BOD5 is not measured before filtration, it must be measured as a 24-hour composite sample after the filtration process, and BOD5 at that point must not exceed a monthly average of 10 mg/L.	"	"	"
(5) Total coliform bacteria performance standards. Total coliform bacteria must be measured in the final, disinfected reclaimed water before distribution. Grab samples must not exceed a 7-day median reported as 2.2 MPN/100mL or a sample maximum of 23 reported as MPN/100mL. The lead agency may approve other standard methods and criteria that are equivalent to these MPN values.	"	Applies to Permittee "	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(6) Virus study. The virus study must demonstrate that the disinfection treatment component(s) is able to remove or inactivate viruses in the reclaimed water.	"	" Applies to Permittee	"
(a) The engineering design of the virus study must assure that the proposed reclaimed water disinfection method will reliably achieve minimum disinfection performance criteria including:			
(i) 5-log virus removal or inactivation following filtration or,	"	"	"
(ii) 4-log virus removal or inactivation following filtration if preceded by coagulation, flocculation and sedimentation unit processes or,	"	"	"
(iii) 4-log removal or inactivation following MF or UF membrane processes.	"	"	"
(b) The disinfection method design shall assure conformance with:			
(i) Accepted empirical design standards and practices; or			
(ii) A challenge study or pilot facility demonstration specific to the project conditions; or			
(iii) An acceptable third-party challenge study or equipment verification study acceptable to the lead agency; or			
(iv) Design and operation limits from other regulatory programs applied to the production of reclaimed or recycled water equivalent to Class A reclaimed water as deemed acceptable by the lead agency.			
WAC 173-219-430 Class B Reclaimed Water			
Reclaimed water must meet the minimum technology-based treatment methods and all applicable performance standards established in this section to meet the treatment requirements for Class B.	New but largely consistent with existing practices.	WRR standards. RCW 90.46. Applies to Permittee	Clarifies and builds on the WRR standards. Codifies standard.
(1) Class B reclaimed water requires biological oxidation followed by disinfection.	"	"	"
(2) Biological oxidation performance standards are the same as in WAC 173-219-420 except that the performance standard may be measured in the final Class B reclaimed water.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(3) Total coliform bacteria must be measured in the final, disinfected reclaimed water before distribution. Grab samples must not exceed a 7-day median reported as 23 MPN/100mL or a sample maximum of 240. The lead agency may approve other standard methods and criteria on a case-by-case basis.</p>	"	"	"
<p>WAC 173-219-440 Disinfection Process Standards</p>			
<p>(1) The disinfection process may be chlorination, ultraviolet light, or any other system approved by the lead agency in accordance with the most recent edition of the state of Washington Reclaimed Water Facilities Manual or other accepted standard engineering practices for reclaimed water disinfection. The engineering report must demonstrate, to the satisfaction of the lead agency, that the proposed method consistently provides the required level of adequate and reliable disinfection.</p>	<p>New but largely consistent with existing practices. The guidance manual referenced is new but based on existing guidance.</p>	<p>WRR standards. RCW 90.46. Applies to Permittee</p>	<p>Clarifies and builds on the WRR standards. Codifies standard.</p>
<p>(2) Chlorine. Chlorination disinfection processes must at a minimum meet a disinfectant concentration (C) of 1.0 mg/L measured as free chlorine, a disinfectant contact time (T) of 30 minutes measured, as "t10" at peak hourly flow, and a combined CT value of 30 mg-min per liter.</p>	"	Applies to Permittee	"
<p>(a) The lead agency may specify a higher minimum "C", "T", or CT value where needed to assure adequate pathogen reduction.</p>	"	"	"
<p>(b) The lead agency may approve an alternative CT measurement and disinfection process including, but not limited to, "C" values based on total chlorine residual at peak hourly flow. The alternative must demonstrate, to the satisfaction of the lead agency, that it consistently provides an equivalent degree of public health and environmental protection.</p>	"	"	"
<p>(c) The proposed CT and method of measurement must be addressed within the engineering report.</p>	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(d) Pipelines or other facilities proposed or used to meet a minimum required T value must be considered as part of the reclaimed water plant's disinfection unit process. Reliability requirements must be included in the engineering report.	"	"	"
(3) Ultraviolet light. Ultraviolet light disinfection processes must be designed and installed to conform to recognized standards and engineering practices developed for use in reclaimed water treatment facilities. Acceptable methods include the criteria in the most recent edition of:	"	Applies to Permittee	"
(a) Ultraviolet Disinfection, Guidelines for Drinking Water and Water Reuse, Second Edition published by the National Water Research Institute (NWRI) in collaboration with the American Water Works Association Research Foundation; or	"	"	"
(b) State of Washington, Department of Ecology <i>Reclaimed Water Treatment Facilities Manual</i> .	"	"	"
(c) WEF <i>MOP-8 Design of Municipal Wastewater Treatment Plants</i> .	"	"	"
(4) Other Disinfection Methods. A disinfection process demonstrated as equivalent to chlorination or ultraviolet light must be documented in an engineering report that is approved by the lead agency.	"	Applies to Permittee	"
(5) Field commission tests. Disinfection processes and facilities shall be tested and verified prior to producing and using reclaimed water. The field commissioning test shall include all processes, equipment, and reactors used in the production of reclaimed water. Adequate procedures and acceptable field commissioning tests shall be addressed during the design of the disinfection facilities. Field commission tests shall be conducted in conformance with a field commissioning test plan approved by the lead agency prior to beginning of the test and should be consistent with the most recent edition of the state of Washington <i>Reclaimed Water Treatment Facilities Manual</i> .		Applies to Permittee	
WAC 173-219-450 Treatment Reliability			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(1) All reclaimed water treatment facilities must be designed and operated to meet the reliability requirements in this section. The methods and criteria must be approved by the lead agency as part of the engineering report and the operation and maintenance manual.	New but largely consistent with existing practices.	WRR standards. RCW 90.46. Applies to Permittee	Clarifies and builds on the WRR standards. Codifies standard.
(2) Bypassing prohibited. Bypassing of untreated or partially treated wastewater from the approved reclaimed water plant to the distribution system or to the point of use is prohibited. Reclaimed water treatment facilities must store inadequately treated wastewater for additional treatment or have authorization to discharge the wastewater to another permitted site, or both if required by the lead agency.	"	Applies to Permittee	"
(3) Storage. Storage used for treatment reliability must:	"	Applies to Permittee	"
(a) Be reserved for the intended purposes.	"	"	"
(b) Include all the necessary diversion works, conduits, and pumping and pump back equipment.	"	"	"
(c) Provide a power supply independent of the primary power supply or a standby source for all diversion equipment.	"	"	"
(d) Provide adequate capacity that may include multiple treatment trains or standby replacement equipment acceptable to the lead agency.	"	"	"
(4) Discharge. Discharge locations used for treatment reliability must:	"	Applies to Permittee	"
(a) Have all required authorization and permits for the discharge location.	"	"	"
(b) Include all the necessary diversion works, conduits, and pumping and pump back equipment.	"	"	"
(c) Provide a power supply independent of the primary power supply or a standby power source for all diversion equipment.	"	"	"
(5) Automated diversions. Automated diversions used for treatment reliability must provide all necessary sensors, instruments, valves, and other devices to enable fully automatic diversion to the approved location. The reset process must be manually initiated to prevent unsupervised automatic restart.	"	Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(6) Alarms required. Alarm systems are required reliability features at all reclaimed water plants. Alarm systems used as treatment reliability features must:	"	Applies to Permittee	"
(a) Provide alarm systems warning of all of the following:	"	"	"
(i) Loss of power from the primary power supply,	"	"	"
(ii) Failure of required treatment units,	"	"	"
(iii) Interruption of required chemical feeds,	"	"	"
(iv) Other features as required in the approved engineering report.	"	"	"
(b) Be independent of the primary power supply of the reclaimed water treatment facility.	"	"	"
(c) Sound at an attended location that will alert the responsible operator in charge or designee available to take immediate corrective action.	"	"	"
Subpart B Operational Storage and Distribution			
WAC 173-219-500 Operational Storage of Reclaimed Water			
(1) Applicability. This section applies only to the storage of reclaimed water for the purpose of adequate and reliable operation for treated reclaimed water meeting Class A or Class B standards. These requirements are in addition to all other applicable requirements in this rule. This section does not apply to either storage for treatment reliability in WAC 173-219-450 or aquifer storage in WAC 173-219-630.	New but largely consistent with existing practices.	WRR standards. RCW 90.46. Applies to Permittee	Clarifies and builds on the WRR standards. Codifies standard.
(2) Operational storage or diversion. Whenever reclaimed water is generated that cannot be used as permitted, the permittee or person maintaining control must store the reclaimed water until it can be used, divert it to a different approved use, or discharge it to a permitted wastewater discharge location. The provisions of WAC 173-219-510 and 520 apply, unless waived by the lead agency.	"	Applies to Permittee	"
(3) Storage design. Storage capacity design calculations must be reasonably consistent with methods provided in the most recent edition of the state of Washington Reclaimed Water Facilities Manual and consider all of the following:	"	Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(a) Types of use.	"	"	"
(b) Supply, demand and operating requirements and agreements.	"	"	"
(c) Potential for impact to human health and the environment.	"	"	"
(d) Frequency and duration of adverse weather conditions such as precipitation or frozen ground that would preclude use.	"	"	"
(e) Shut down for system maintenance and repair.	"	"	"
(f) Other factors that may limit or prevent the planned use of reclaimed water.	"	"	"
(4) Notice of facility location(s). The person proposing to generate reclaimed water must locate, identify and provide notice of proposed reclaimed water storage or diversion facilities to all owners of:		Applies to Permittee	
(a) Potable water supplies with sources located within			
(i) 1000 feet			
(ii) An area determined by the lead agency, based on the hydrogeology and soil type of the storage or diversion facilities area			
(5) Distance to public water supply well. The minimum horizontal distance between a public water supply well and reclaimed water storage facilities unlined storage facilities like ponds, must comply with restrictions for the sanitary control area established under WAC 246-290-135 for Group A public water supplies and established under WAC 246-291-125 for all other public water supplies.	"	WAC 246-290-135 Group A supplies WAC 246-291-125 other water supplies Applies to Permittee	"
(6) Distance to a public water supply surface water or designated groundwater under the influence of surface water intake. The minimum horizontal distance between reclaimed water operational storage and public source water intakes shall be determined in the reclaimed water engineering report prepared under WAC 173-219-160(3).		Applies to Permittee	
WAC 173-219-510 Maintenance of Chlorine Residual			
Chlorine residual must be maintained as follows:			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(1) Chlorine residual. A minimum chlorine residual of ≥ 0.2 mg/L free chlorine or ≥ 0.5 mg/L combined or total chlorine is required in pipeline distribution systems conveying the reclaimed water from the facility to the point of use. The lead agency may waive or modify the requirements for maintaining a chlorine residual during storage or conveyance to the point of use, if the applicant demonstrates a benefit from reducing or eliminating the chlorine residual.</p>	<p>New but largely consistent with existing practices.</p>	<p>WRR standards. RCW 90.46. Applies to Permittee</p>	<p>Clarifies and builds on the WRR standards. Codifies standard.</p>
<p>(2) Chlorine residual for use areas. A chlorine residual is not required in reclaimed water impoundments, storage ponds, and storage tanks at the point of use, or for conveyance along natural streams, lakes or surface waters of the state. However, the lead agency may require maintenance of a chlorine residual within distribution systems at the use area to prevent biological growth, prevent deterioration of water quality, or to protect public health.</p>	<p>New but largely consistent with existing practices.</p>	<p>WRR standards. RCW 90.46. Applies to Permittee</p>	<p>Clarifies and builds on the WRR standards. Codifies standard.</p>
WAC 173-219-520 Distribution System Requirements			
<p>(1) Labeling. All new reclaimed water piping, valves, outlets, storage facilities and other appurtenances must be labeled and color-coded purple (Pantone 512, 522 or other shade approved in the engineering report), identified with purple tape, or otherwise marked to clearly identify the water conveyed as nonpotable reclaimed water, and in conformance with the most recent edition of the Uniform Plumbing Code amended for Washington state, where applicable. If the lead agency approves the conversion of existing storage and distribution systems to reclaimed water use, all accessible points must be labeled as reclaimed water at the time of conversion and any inaccessible locations must be labeled at the time of repair or replacement.</p>	<p>New but largely consistent with existing practices.</p>	<p>WRR standards. RCW 90.46. Applies to Permittee</p>	<p>Clarifies and builds on the WRR standards. Codifies standard.</p>
<p>(2) Pipe Separation. Reclaimed water distribution systems must provide adequate separation between the underground reclaimed water lines, sanitary sewer lines, storm sewer lines, potable water lines, and potable water wells. The engineering report must provide:</p>	<p>"</p>	<p>Applies to Permittee</p>	<p>"</p>
<p>(a) Pipeline separation distances proposed, both horizontal and vertical, consistent with the most recent edition of <i>Pipeline Separation Design and Installation Reference Guide</i> by ecology and DOH justified in the engineering report.</p>	<p>"</p>	<p>"</p>	<p>"</p>

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(3) Notice of facility location. Notice shall be given as described in the operations and maintenance manual, as described in WAC 173-219-180(2)(e).		Applies to Permittee	
(4) Cross-connection control. Potential cross-connections between the reclaimed water and potable water or between the reclaimed water and wastewater, stormwater or other systems of lower water quality must be managed as described in WAC 173-219-180 (2)(d).	"	Applies to Permittee	"
(5) Other Design Requirements. Reclaimed water distribution pipe material, valves, valve covers, hydrants, and associated components must comply with the most recent <i>Planning for the Distribution of Reclaimed Water: M24</i> by American Water Works Association or other recognized standard engineering practices for water distribution systems such as the most recent edition of the <i>DOH Water System Design Manual</i> .	"	Applies to Permittee	"
WAC 173-219-530 Distribution by Transport Vehicles.			
Tank trucks or similar transport vehicles may be used to distribute reclaimed water provided:	New but largely consistent with existing practices.	WRR standards. RCW 90.46. Applies to Permittee	Clarifies and builds on the WRR standards. Codifies standard.
(1) The vehicle is clearly identified with reclaimed water advisory signs.	"	WAC 173-219-520 Labeling & WAC173-219-550(3) Signage Applies to Permittee	"
(2) Vehicles transporting hazardous or dangerous waste shall not be used to transport reclaimed water.	"	WAC 173-303-160(2) "empty" and "rinsing" allows residual that would contaminate reclaimed water quality. Applies to Permittee	"
(3) The operation and maintenance manual includes provisions for the use of transport vehicles.	"	Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
WAC 173-219-540 Conveying Reclaimed Water Through Surface Waters of the State.			
(1) Applicability. Surface waters of the state may be used to convey reclaimed water from the point of generation to the point of diversion in accordance with the provisions of RCW 90.03.030 and chapter 90.46 and 90.48 RCW. Water withdrawn must be for beneficial use. The conveyance of the reclaimed water must be as described in an approved plan and engineering report .	identifies conveyance criteria	RCW 90.03.030 and chapters 90.46 and 90.48 RCW Applies to Permittee	Existing practice. Codifies use of conveyance system.
(2) NPDES permit required. Reclaimed water conveyed through any surface water of the state for downstream withdrawal must meet all applicable requirements of the federal water pollution control act and chapter 90.48 RCW permittees must apply for and obtain an NPDES permit issued in accordance with the requirements of chapter 173-220 WAC and this chapter. The reclaimed water permit compliance point is at the point of discharge to the surface water.	permit requirement	90.48 RCW 173-220 WAC Applies to Permittee	"
(3) Conveyance report. For projects proposing conveyance in waters of the state, Ecology must approve a conveyance report as part of the engineering report. The report must address how the following requirements are met:	applicant and ecology requirements	Engineering report requirement is new. Applies to Permittee	Codifies use of conveyance system. The engineer report will cost.
(a) The maximum quantity of water diverted for beneficial use must equal the amount discharged minus evaporation, seepage, and other losses as determined by Ecology.	report requirement	90.03.030 RCW	"
(b) The calculations for determining the distance and time shall be included in the engineering report.	report requirement		"
(c) The total volume of water discharged and conveyed must not raise the intervening surface water body above the ordinary high water mark of that body of water.	report requirement	90.03.030 RCW	"
(4) Reclaimed water permit. The reclaimed water permit must include conditions assuring the conveyance and diversion of water as approved in the engineering report. The reclaimed water permit conditions must specify:	permit requirement	New Applies to Ecology	"
(a) Enforceable limits and monitoring requirements.	permit requirement	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(b) The distance and time interval between discharge and diversion.	permit requirement	"	"
(c) Requirements for an enforceable contract with each person diverting or using the conveyed reclaimed water.	permit requirement	"	"
(d) Requirements for an enforceable contract with each person diverting or using the conveyed reclaimed water.			
(e) Measurement and recording of the location, rate, frequency, timing and duration of each diversion.	permit requirement	"	"
(f) Recordkeeping and reporting of requested data to Ecology.	permit requirement	"	"
(g) Circumstances requiring cessation of discharge, conveyance or diversion.	permit requirement	"	"
Subpart C Use-Based Requirements			
WAC 173-219-550 Use Area Requirements			
(1) General requirements. The labeling, pipeline separation, cross-connection control, and other design requirements of WAC 173-219-520 apply to all use areas unless otherwise specified by the lead agency.	consistent with existing practices.	WRR and WAC 173-219-420. RCW 90.46. Applies to Permittee	Codifies requirements.
(2) Other cross-connection requirements. Where both reclaimed water and potable water are supplied to any use area:	Consistent with existing practices.	WRR and WAC 246-290 Applies to Permittee	Codifies requirements.
(a) If the potable water purveyor or the reclaimed water distributor determines that a potential for cross-connection exists, the permittee, the user or the owner of a use site must install a backflow preventer at the potable water service connection or meter as required in WAC 246-290-490, and in conformance with the installation standards of the potable water supplier, as required in WAC 246-290-490.	"	WRR and WAC 246-290-490	"
(b) If a potable water is mixed with reclaimed water at a use site the use site owner must ensure that:	"	"	"
(i) The potable water is supplied through an approved air gap as required in the Uniform Plumbing Code amended for Washington state;			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(ii) The air gap is inspected for compliance with the approved air gap definition by a DOH-certified backflow assembly tester or cross-connection control specialist at the time of installation or re-plumbing and at least 12-month intervals thereafter; and			
(iii) Results of air-gap inspections are reported to the lead agency in the permit water use summary plan.			
(c) Reclaimed water shall not be used to flush toilets or for other indoor use in any residential property or dwelling unit where residents have access to plumbing systems for repairs or modifications.			
(3) Signage or advisory notification. The permittee must notify the public and utility employees of the use of reclaimed water is required in all use areas by the posting of advisory signs, distribution of written advisory notices, or both. Signage must be clearly visible, emphasize the color purple and read “Reclaimed Water – Not For Drinking”, or other language acceptable to DOH or required by the most recent edition of the Uniform Plumbing Code as amended for Washington State, when applicable. DOH may approve other methods of notification that provide equivalent protection.	"	" Applies to Permittee	"
(4) Confine to site. Reclaimed water, including runoff and spray, must be confined to the designated and approved use area.	"	" Applies to Permittee	"
(5) Restricted operation. All reclaimed water valves and outlets must be of a type, or secured in a manner, that permits operation only by authorized personnel. Access to hose bibs on reclaimed water lines must be controlled or restricted.	"	" Applies to Permittee	"
WAC 173-219-560 Plant Maintenance Uses			
When under the direct control of responsible maintenance personnel, reclaimed water may be used at other restricted locations within the sanitary sewer collection system for flushing of the sanitary sewers, for pump station maintenance, and hydro excavation.	Consistent with existing practices.	WRR. RCW 90.46. Applies to Permittee	Codifies requirements.
WAC 173-219-570 Commercial, Industrial and Institutional Uses			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(1) Applicability. This section applies only to commercial, industrial and institutional uses of reclaimed water. These requirements are in addition to all other applicable requirements in this chapter.</p>	<p>Consistent with existing practices.</p>	<p>WRR. RCW 90.46.WAC 246-290, public water systems Applies to Permittee</p>	<p>Codifies requirements.</p>
<p>(2) Uses with public contact. Class A technology-based standards apply to all uses where public or general employee contact is likely. These uses include, but are not limited to, toilet and urinal flushing, street washing, decorative fountains and similar water features, cooling water that produces mists or aerosols, fire control hydrants and indoor sprinkler systems, and industrial process water with worker exposure, and indoor residential uses consistent with locally adopted plumbing codes and WAC 173-219-550 (2)(c).</p>	<p>Consistent with existing practices.</p>	<p>WRR. RCW 90.46. Applies to Permittee</p>	<p>Codifies requirements.</p>
<p>(3) Uses or storage with environmental contact. Class A technology-based standards shall apply to all uses with significant potential for site runoff or seepage. These uses must minimize the potential for adverse impacts to the environment including aesthetics, algal growth, runoff, and discharges to waters of the state. Ponds or other water features that are not lined or sealed to prevent seepage may be approved provided the engineering report demonstrates how the groundwater protection standards in chapter 173-200 WAC are met. All outlets flowing from reclaimed water storage or use sites to surface waters must meet all applicable requirements of the federal water pollution control act and chapter 90.48 RCW.</p>	<p>Consistent with existing practices.</p>	<p>RCW 90.48, WAC 173-200, WRR, and RCW 90.46. Applies to Permittee</p>	<p>Codifies requirements.</p>
<p>(4) Uses with restricted access. The Class B technology-based standards shall apply to uses with restricted access where contact is limited to qualified personnel and there is little potential for environmental impact. These uses include, but are not limited to emergency dumping from aircraft for fire fighting, damp sweeping, noncontact cooling water with mist or aerosol suppression, noncontact process water, and ship ballast water.</p>	<p>Consistent with existing practices.</p>	<p>WRR. RCW 90.46. Applies to Permittee</p>	<p>Codifies requirements.</p>

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(5) Water quality characterization. In addition to the minimum technology based standards, the quality of the reclaimed water must be characterized sufficiently to assure it is appropriate for the approved uses. Characterization must include the parameters listed in standard manuals of practice applicable to the types of use. Where approved:</p>	<p>Calls out meeting water quality standards for uses...new but consistent with existing practices.</p>	<p>WRR. RCW 90.46. Applies to Permittee</p>	<p>Codifies requirements. May require additional characterization (monitoring and analysis) of water intended for specific uses.</p>
<p>(a) Reclaimed water may be blended with potable or other nonpotable water supplies or</p>	<p>"</p>	<p>"</p>	<p>"</p>
<p>(b) Additional treatment may be provided at the use site to meet required water quality.</p>	<p>"</p>	<p>"</p>	<p>"</p>
<p>(6) Use management plan. A use management plan is required. See under WAC 173-219-160(4).</p>	<p>"</p>	<p>" Applies to Permittee</p>	<p>"</p>
<p>WAC 173-219-580 Land Applications – Landscape Irrigation</p>			
<p>(1) Applicability. This section applies only to landscape irrigation uses of reclaimed water. These requirements are in addition to all other applicable requirements in this chapter.</p>	<p>Consistent with existing practices.</p>	<p>WRR and RCW 90.46.010 and 040. Applies to Permittee</p>	<p>Codifies requirements.</p>
<p>(2) Uses with public contact. The Class A technology-based standards shall apply to all uses where public or employee contact is likely. These uses include, but are not limited to, public areas such as parks, playgrounds, golf courses, common areas and private property including individual residences.</p>	<p>Consistent with existing practices.</p>	<p>WRR and RCW 90.46.010 and 040. Applies to Permittee</p>	<p>Codifies requirements.</p>

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(3) Uses with restricted access and contact. The Class B technology-based standards shall apply to uses with restricted access and contact limited to specialized personnel regardless of irrigation technology used. These uses include, but are not limited to, subsurface drip irrigation systems, highway medians, and fenced industrial properties. The minimum setback distance between the area subject to spray or surface irrigation and any public use area is 50 feet.</p>	<p>Consistent with existing practices.</p>	<p>WRR and RCW 90.46.010 and 040. Applies to Permittee</p>	<p>Codifies requirements.</p>
<p>(4) Agronomic rates and water quality characterization. The application of irrigation water is limited to methods and agronomic rates established in standard manuals of practice appropriate to the type of landscape irrigated. In addition to the minimum technology-based standards, the quality of the reclaimed water must be characterized sufficiently to assure it is appropriate for the uses approved in the engineering report. Constituents such as salts, nutrients, organic and inorganic compounds may adversely affect soil or plants when applied for irrigation. Characterization must include the parameters listed in standard industry manuals of practice applicable to the types of vegetation and irrigation methods. Where approved by the lead agency:</p>	<p>Consistent with current guidelines (Ecology publication #93-36) referenced in the WRR</p>	<p>WRR and RCW 90.46.010 and 040. Applies to Permittee</p>	<p>Codifies requirements.</p>
<p>(a) Reclaimed water may be blended with potable or other nonpotable water supplies,</p>	<p>New</p>	<p>RCW 90.46</p>	<p>Codifies requirements. May provide options for reclaimed water users, should have positive economic effect.</p>
<p>(b) Additional treatment may be provided at the use site, or</p>	<p>"</p>	<p>"</p>	<p>"</p>
<p>(c) Additional restrictions may apply to address human and ecological health concerns.</p>	<p>"</p>	<p>"</p>	<p>"</p>
<p>(5) Use management plan. A use management plan or supplement thereof meeting the requirements in WAC 173-219-160(4) is required.</p>	<p>New - but this entire section substantially follows current practices in WAC 246-290-</p>	<p>RCW 90.46.240 and WAC 246-290-100 Water System plan for water purveyors Applies to Permittee</p>	<p>Codifies requirements.</p>

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
	100.		
WAC 173-219-590 Land Application - Agricultural Irrigation			
(1) Applicability. This section applies only to agricultural irrigation uses of reclaimed water. These requirements are in addition to all other applicable requirements in this chapter.	Consistent with existing practices.	WRR and RCW 90.46.010 and 040. Applies to Permittee	Codifies requirements.
(2) Uses with public contact. The Class A technology-based standards shall apply to all uses where public contact is likely.	"	" Applies to Permittee	"
(3) Food crops. The Class A technology-based standards shall apply to all uses of reclaimed water for food crop production except where otherwise specified in this section.	"	" Applies to Permittee	"
(4) Frost protection of orchard crops. The Class B technology-based standards apply to reclaimed water use for frost protection of orchard crops provided the crops are not harvested for at least 15 days. The minimum setback distance between the area subject to spray or surface irrigation and any public use area is 50 feet.	"	" Applies to Permittee	"
(5) Nonfood crops. The Class B technology-based standards shall apply to all non-food crop production uses for trees, fodder, fiber, or seed crops and pastures. The minimum setback distance between the area subject to spray or surface irrigation and any public use area is 50 feet.		" Applies to Permittee	
(6) Surface or subsurface irrigation of orchards or vineyards and other food crops suspended above ground. The Class B technology-based standards shall apply to irrigation uses where the fruit does not contact the irrigation water or the ground, except that the total coliform bacteria standard is 240 MPN/100ml as a 7-day median and 400 MPN/100ml as a sample maximum. The lead agency may approve standard analytical methods and criteria that are equivalent to these MPN values. The minimum setback distance between the area subject	"	" Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
to spray or surface irrigation and any public use area is 50 feet.			
<p>(7) Processed food crops. The Class B technology-based standards shall apply to irrigation uses for food crops that are processed by physical or chemical methods sufficient to destroy all pathogenic agents before distribution, sale, or use except that the total coliform bacteria standard is 240 MPN/100ml as a 7-day median and 400 MPN/100ml as a sample maximum. The lead agency may approve standard analytical methods and criteria that are equivalent to these MPN values. The minimum setback distance between the area subject to spray or surface irrigation and any public use area is 50 feet, and ten feet minimum setback to public use areas subject to subsurface drip irrigation.</p>	"	"	"
<p>(8) Trees, fodder, fiber or seed crops in pastures not accessed by milking animals. Class B technology-based standards under WAC 173-219-325 shall apply to irrigation uses on trees, fodder, fiber or seed crops in pastures not accessed by milking animals except that the reclaimed water meets a total coliform bacteria limit of 240 MPN/100ml as a 7-day median and 400 MPN/100ml as a sample maximum. The minimum setback distance between the area subject to spray or surface irrigation and any public use area is 50 feet, and ten feet minimum setback to public use areas subject to subsurface drip irrigation. The lead agency may approve other standard methods and criteria that are equivalent to these MPN values.</p>	"	"	"
<p>(9) Agronomic rates and water quality characterization. The application of irrigation water is limited to methods and agronomic rates established in standard manuals of practice appropriate to the type of crop irrigated. In addition to the minimum technology-based standards, the quality of the reclaimed water must be characterized sufficiently to assure it is appropriate for the uses approved in the WAC 173-219-160 engineering report. Constituents such as salts, nutrients, organic and inorganic compounds may adversely affect soil or plants when applied for irrigation. Characterization must include the parameters listed in standard industry manuals of practice applicable to the crops and irrigation methods. Where approved by the lead agency:</p>	Consistent with current guidelines (Ecology publication #93-36) referenced in the WRR	WRR and RCW 90.46.010 and 040. Applies to Permittee	Codifies requirements.

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(a) Reclaimed water may be blended with potable or other nonpotable water supplies,	"	"	"
(b) Additional treatment may be provided at the use site, or	"	"	"
(c) Additional restrictions may apply to address concerns on human health and the environment.	"	"	"
(10) Use management plan. A use management plan under WAC 173-219-160(4) is required.	New - but this entire section substantially follows current practices in WAC 246-290-100.	RCW 90.46.240 and WAC 246-290-100 Water System plan for water purveyors Applies to Permittee	Codifies requirements.
WAC 173-219-600 Wetlands			
(1) This section applies only to uses of reclaimed water in wetlands. These requirements are in addition to all other applicable requirements in this chapter.	Entire section substantially follows current practices.	RCW 90.46.090 and WRR	Codifies requirements.
(2) Other applicable laws. Any use of reclaimed water in wetlands must be consistent with the applicable requirements of the federal water pollution control act, 90.48 RCW and 90.58 RCW, and local government adopted critical areas ordinances and any other applicable laws.		See laws referenced Applies to Permittee	
(3) General requirements for all allowable uses in wetlands.	Current practices.	RCW 90.46.044 and 090 and WRR Applies to Permittee	Codifies requirements.
(a) Unless net environmental benefits are authorized, Class A technology-based standards shall apply in addition to the requirements below.	"	"	"
(b) Reclaimed water must not exceed 20 mg/L BOD5, 20 mg/L TSS, 3 mg/L - N total Kjeldahl nitrogen, and 1 mg/L-P measured as annual average concentrations.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(c) Un-ionized ammonia concentrations must comply with the Washington chronic toxicity standards in chapter 173-201A WAC for freshwater systems.	"	"	"
(d) Metal concentrations in reclaimed water must comply with the surface water quality standards in chapter 173-201A WAC, unless acute whole effluent toxicity testing using daphnids demonstrates absence of toxicity.	"	"	"
(4) Use in Category I wetlands and Category II wetlands with special characteristics. In order to protect sensitive wetland functions and values, the use of reclaimed water is not allowed in wetlands designated as Category I or Category II with special characteristics under the state of Washington Wetland Rating System unless a net environmental benefit to the wetland has been clearly demonstrated in the approved engineering report. Examples of these Category II wetlands include estuarine, coastal lagoons, interdunal wetlands, and vernal pools in western Washington, forested wetlands in eastern Washington, and others listed in the Wetland Rating System for Eastern and Western Washington.	"	RCW 90.48 and WAC 173-183-710 wetland vulnerability classification	"
(5) Use in all other Category II and in Category III or IV wetlands. Reclaimed water is encouraged for restoration or enhancement of wetlands designated as Category II, III, or IV under the state of Washington Wetland Rating System.	"	WAC 173-183-710 wetland vulnerability classification Applies to Permittee	"
(a) Reclaimed water use is limited to an annual hydraulic load ≤ 2 cm/day in Category II wetlands and ≤ 3 cm/day in Category III or IV wetlands unless a net environmental benefit to the wetland has been clearly demonstrated in the approved engineering report.	"	"	"
(b) For depressional wetlands, reclaimed water use is limited to an increase of 10 cm above the natural average monthly water level unless it has been clearly demonstrated in the approved engineering report that a higher increase in water level provides a net environmental benefit to the wetland.	"	"	"
(6) Monitoring requirements. Monitoring requirements must be sufficient to document the protection or enhancement of the beneficial uses and biological criteria established for the wetland, public health and the environment such as impacts to the quality of ground water and surface water. At a minimum, a claim of net environmental benefit must demonstrate that the use of reclaimed water provides full and uninterrupted protection of all significant beneficial uses existing in the wetland prior to the use of reclaimed water and creates new or enhances	"	WAC 173-200 and 173-201A Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
the existing beneficial uses of the wetland.			
(7) Engineering report for wetlands uses. The engineering report must include baseline information and background studies necessary to evaluate the proposed project, including:	"	" Applies to Permittee	"
(a) The wetland rating category, size, hydrogeomorphic class and vegetation class of the existing and proposed wetlands.	"	"	"
(b) The beneficial uses of the existing and proposed wetland.	"	"	"
(c) The hydrologic regime of the existing and proposed wetland, including depth and duration of inundation, average monthly water level fluctuations, and annual loadings of reclaimed water to the wetlands.	"	"	"
(d) Characterization of the quality of reclaimed water to be used.	"	"	"
(e) The assimilative capacity of the wetland, the anticipated or actual changes in the timing, quantity and quality of the water leaving the wetland, and the potential for degradation of existing groundwater or surface water quality from the use of reclaimed water.	"	"	"
(f) Any studies conducted or additional information applicable to the specific project or site.	"	"	"
(g) Information to support a claim of net environmental benefit, if proposed. At a minimum, a claim of net environmental benefit must demonstrate that the use of reclaimed water provides full and uninterrupted protection of all significant beneficial uses existing in the wetland prior to the use of reclaimed water and creates new or enhances the existing beneficial uses of the wetland.	"	"	"
(8) Mitigation wetlands	"	" Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
a) Any wetland constructed to provide compensatory mitigation for natural wetlands must be consistent with the requirements established in an Ecology-approved wetland mitigation plan. Use of reclaimed water for mitigation to impacts of federal jurisdictional wetlands requires additional approvals and permits from the Corps of Engineers or the USEPA. Guidance is available to assist in site selection and preparation of wetland mitigation plans.	"	"	"
b) Only Class A reclaimed water may be used to establish wetland vegetation during construction of a mitigation wetland.	"	"	"
c) Reclaimed water meeting the requirements for use in wetlands may be used to provide a temporary supplemental water source to protect or enhance wetlands functions and values after the mitigation wetland is established.	"	"	"
(9) Constructed Treatment Wetlands	"	"	"
(a) Reclaimed water may be used for the following constructed treatment wetlands as defined in RCW 90.46.010(5):	"	Applies to Permittee "RCW 90.46 reclaimed water	"
..(i) The Class B technology-based standards shall apply to all uses in constructed treatment wetlands, except as noted in 9(a)(ii). Constructed treatment wetlands may provide additional treatment or retention of reclaimed water to prepare it for another use, or may use the reclaimed water to construct or supplement wetlands used for wastewater treatment or stormwater management.	"	"	"
(ii) The Class A technology-based standards shall apply to all uses in constructed wetlands where public contact is likely. Those uses include wetland water features specifically constructed in parks or on wetland sites to provide aesthetic, recreational, or educational benefits.	"	"	"
(b) The lead agency may establish additional monitoring requirements to assure that the use of reclaimed water in a constructed treatment wetland is sufficient to protect the wetland functions and values, public health and the environment.	"	"	"
(c) The following information is required as part of the reclaimed water engineering report in a constructed treatment wetland.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
i) The location and proposed uses of reclaimed water in the constructed treatment wetland.	"	"	"
(ii) The proposed functions and values of the constructed treatment wetland.	"	"	"
(iii) Characterization of the quality of reclaimed water to be used.	"	"	"
(d) Wetland design including influent and effluent structures, grading, linings, berms, vegetation, flow patterns and number of cells.	"	"	"
(i) The relationship to and potential for impact to groundwater quality.	"	"	"
(ii) The relationship to and potential for impact to surface water quality; and additional information applicable to the specific project or site as required by the lead agency.	"	"	"
WAC 173-219-610 Streamflow and Surface Water Augmentation			
(1) This section applies only to uses of reclaimed water for streamflow or surface water augmentation. These requirements are in addition to all other applicable requirements in this rule.	Current practices.	RCW 90.46.100 and WRR Applies to Permittee	Codifies requirements.
(2) Projects must meet all applicable requirements of the federal water pollution control act, chapter 90.48 RCW, chapter 173-220, and 173-201A WAC.	"	RCW 90.48 water pollution control WAC 173-220 NPDES WAC 173-201A surface water quality Applies to Permittee	"
(3) Use in primary contact recreation impoundments. The Class A technology-based standards shall apply to all uses for augmentation directly into primary contact recreation impoundments.	"	RCW 90.46.030 and WRR Applies to Permittee	"
(4) Use in potable water supply impoundments. The Class A technology-based standards shall apply to all uses for augmentation directly into impoundments used as a source of water supply.	"	RCW 90.46.030 and WRR Applies to Permittee	"
(5) Use in other surface waters. The Class B technology-based standards shall apply to all other uses for direct augmentation of surface water.	"	RCW 90.48 Water pollution control and RCW 90.46.030 and WRR Applies to Permittee	"
(6) Use for indirect augmentation of surface water via groundwater. The lead agency shall establish requirements for indirect augmentation of surface water by ground water recharge on a case-by-case basis.	"	" Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(7) Monitoring. The lead agency may establish additional monitoring requirements to assure that the use of reclaimed water is sufficient to protect the surface water, public health and the environment.	"	" Applies to Permittee	"
(8) Engineering report. The following information is required as part of the reclaimed water engineering report.	"	" Applies to Permittee	"
(a) The location and proposed augmentation uses of the reclaimed water.	"	"	"
(b) The quality of reclaimed water to be used.	"	"	"
(c) A description of the receiving water, applicable water quality standards, potential for impact to surface water quality and how water quality standards will be met outside any applicable dilution zone.	"	"	"
(d) Determination of adequate time of travel and distance between the reclaimed water discharge point and any nearby downstream surface water or groundwater under the influence of surface water intake for potable water, based on protecting public health and on not causing additional intake modifications or treatment requirements for the production of potable water.		"	
(e) The degree of treatment required based upon applicable permits and rules, the receiving body of water, and other influencing factors.	"	"	"
WAC 173-219-620 Groundwater Recharge			

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(1) This section applies only to uses of reclaimed water for groundwater recharge. These requirements are in addition to all other applicable requirements in this chapter. The project description must clearly specify the planned intent to recharge groundwater and the relevant site characteristics.</p>	<p>Clarify application of WAC 173-200. The WRR standards state: "Reclaimed water used for groundwater recharge shall be at all times be of a quality that fully protects public health and the water quality of the waters of the state" (p.15). Use of a lesser standard creates dual standards for the same activity.</p>	<p>RCW 90.46.015 and 080, RCW 90.48.010, RCW 90.54.020(3), WRR, WAC 173-200 groundwater standards, RCW 43.20 state board of health, RCW 70.119A public water systems, and WAC 246-290, group a public water supplies Applies to Permittee</p>	<p>Clarifies applicability of WAC 173-200. Increased costs associated with meeting WAC 173-200 unlikely because the drinking water criteria are generally consistent with the groundwater standards (see Ecology's Permit Writer's Manual, chapter XI, section 10.2). Permit writers must make a reasonable potential determination before requiring monitoring of contaminants.</p>
<p>(2) Other applicable laws.</p>		<p>Applies to Permittee</p>	
<p>(a) Reclaimed water used for any groundwater recharge project must meet all applicable requirements of chapter 90.48 RCW including chapter 173-200 WAC for the protection of groundwater.</p>	<p>"</p>	<p>"90.48 RCW water pollution control 173-200 WAC ground water protection</p>	<p>"</p>

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(b) The minimum horizontal distance between a ground water recharge site and any potable water supply well, or surface water and groundwater under the influence of surface water intakes must comply with restrictions for adequate source water protection under chapters 246-290 and 246-291 WAC.	Existing practices	WAC 246-290 and 291 Group A and B water supplies, in addition to RCWs and WACs referenced above. Applies to Permittee	Codifies
(i) Notice of ground water recharge use of reclaimed water shall be provided to all Group A water purveyors, if it is within their watershed control area or 5 year time of travel for their Group A public water supply well head as defined in WAC 246-290-135.		WAC 246-290-135 Group A water Systems	
(ii) Surface percolation or direct recharge to ground water recharge is regulated within the sanitary control area established in WAC 246-290-135 for Group A public potable water supplies and WAC 246-291-125 for all other potable water supplies.		WAC 246-290-135 Group A Water Systems WAC 246-291-125 all others	
(iii) Class V UIC wells that are used as part of a reclaimed water projects must register with the ecology per chapter 173-218 WAC underground injection control programs.		Added 173-218 WAC registration requirement Applies to Permittee	
(3) Recharge by surface percolation. The Class A technology-based standards plus biological nitrogen reduction shall apply for all uses of reclaimed water to recharge groundwater by surface or vadose zone percolation except as described in subsection 5 of this section. Total nitrogen must be reduced within the biological oxidation treatment process. Total nitrogen measured in the final, disinfected reclaimed water before groundwater recharge must not exceed a monthly average of 10 mg/L or a sample maximum of 15 mg/L.	"	" Applies to Permittee	"
(4) Recharge directly into groundwater and subsurface infiltration. The technology-based standards for recharge by percolation shall apply to all reclaimed water that is directly recharged to groundwater, regardless of the source of that water or the treatment technologies used to reclaim the water. The following performance standards apply:	"	" Applies to Permittee	"
(a) Total nitrogen measured in the final, disinfected reclaimed water before groundwater recharge must not exceed a monthly average of 10 mg/L or a sample maximum of 15 mg/L.	"	"	"
(b) Turbidity must be continuously measured following reverse osmosis treatment, or other comparable technologies, and must not exceed a monthly average of 0.1 NTU or exceed 0.5 NTU at any time.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(c) Total Organic Carbon (TOC) must be measured in the final, disinfected reclaimed water before direct recharge. TOC must not exceed a monthly average of 1.0 mg/L based on 24-hour composite samples.	"	"	"
(d) Total coliform bacteria must be measured in the final, disinfected reclaimed water before direct recharge. Grab samples must not exceed a 7-day median reported as 1 MPN/100mL or a sample maximum of 5. The lead agency may approve other standard methods and criteria that are equivalent to these MPN values.	"	"	"
(5) Enforceable limits. Enforceable limits must be established in permits at levels that will be protective of the groundwater quality beneath the recharge application site.	"	" Applies to Ecology	"
(a) Limits must consider the:	"	"	"
(i) Potential for the parameter to be in the reclaimed water.	"	"	"
(ii) Existing groundwater quality.	"	"	"
(iii) Existing and proposed uses of the recharge groundwater.	"	"	"
(iv) Antidegradation provisions of state waters in chapter 173-200 WAC.	"	" WAC 173-200 water quality groundwater	"
(v) Point where compliance is measured.	"	"	"
(b) Enforceable limits are based on the following state standards:	"	"	"
(i) Drinking water standards adopted by the state of Washington under chapter 246-290 WAC and,	"	WAC246-290 Group A water supplies	"
(ii) Water quality standards for groundwater adopted by the state of Washington under chapter 173-200 WAC.	"	"WAC 173-200 water quality groundwater	"
(6) Point of Compliance. For each parameter, the lead agency establishes the location(s) where the enforceable limit for each parameter applies. The point of compliance may be:	"	" Applies to Ecology	"
(a) In the reclaimed water before recharge.	"	"	"
(b) Within the groundwater as near the reclaimed water recharge location as technically, hydrogeologically, and geographically feasible.	"	"	"
(c) At an alternative point some distance from the reclaimed water recharge location up to but not exceeding the property boundary.	"	"	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
(d) In the surface water beyond the property boundary when needed for compliance with chapter 173-201A WAC.	"	"WAC 173-201A surface water quality	"
(7) Monitoring requirements. Monitoring requirements must be sufficient to document the protection of public health and groundwater quality at the designated point(s) of compliance.	"	" Applies to both Ecology/DOH	"
(8) Engineering report. The following information is required as part of the reclaimed water engineering report.	"	" Applies to Permittee	"
(a) Information requested by the lead agency necessary to assess the specific treatment and use of reclaimed water for application to recharge groundwater.	"	"	"
(b) Site specific soil and hydro-geologic information necessary to characterize and evaluate the groundwater recharge site using criteria from chapter 173-157 WAC, sections 110 through 170, and chapter 173-200 WAC, as applicable.	"	WAC 173-157-100 thru 170 ASR WAC 173-200 water quality groundwater	"
(c) A pilot reclaimed water treatment facility study, if needed.	"	"	"
WAC 173-219-630 Aquifer Storage and Recovery			
This section applies only to the artificial storage of reclaimed water in underground geological formations and subsequent recovery for beneficial use permitted under this chapter. These requirements are in addition to all other applicable requirements in this rule. The provisions of this chapter do not limit any person's ability to submit an application for and acquire water rights appropriated under RCW 90.03.250 and RCW 90.44.060. Class V UIC wells that are used as part of a reclaimed water projects must register with the ecology per chapter 173-218 WAC underground injection control programs.	No change	RCW 90.46.120, RCW 90.03.370(2) and 250 water code, RCW 43.20 public water system coordination, RCW 90.44, regulation of public groundwater (water rights) Added 173-218 WAC registration requirement Applies to Permittee	Codifies statute
(1) Water right permit exemption. Use, distribution and recovery of reclaimed water for beneficial use, from aquifer storage are exempt from the permit requirements of RCW 90.03.250 and RCW 90.44.060.	"	" RCW 90.03.250 water right application 90.44.060 ground water Applies to Permittee	"

Proposed Rule language	Policy	Laws and Regulations and who they apply to	Effect of Change
<p>(2) Engineering report. The following information is required as part of the reclaimed water engineering report. A professional hydrogeologist licensed by the state of Washington must prepare the geological information required.</p>	<p>"Engineering report" requirement substantially similar to requirements in RCW 90.03.370</p>	<p>" Applies to Permittee</p>	<p>"</p>
<p>(a) Reclaimed water aquifer storage and recovery projects must meet the standards for mitigation of impacts and review established under RCW 90.03.370(2) for artificial underground storage and recovery. These standards are described in RCW 90.03.370(2) and chapter 173-157 WAC sections 110 through 170.</p>	<p>No change.</p>	<p>RCW 90.03.370(2) ASR WAC 173-157-100 thru 170 ASR</p>	<p>"</p>
<p>(b) Any withdrawal facilities constructed solely for extracting reclaimed water from the underground must comply with chapters 173-136, 173-150, and 173-157 WAC.</p>	<p>"</p>	<p>WAC 173-136 ASR (related to RCW 90.44.130) 173-150 withdrawal facilities 173-157 ASR "</p>	<p>"</p>
<p>(3) Reclaimed water permit conditions. The reclaimed water permit must include appropriate conditions authorizing and controlling the storage, recovery and subsequent uses of the reclaimed water. Conditions must include estimated time frames for recovery of the reclaimed water based on the hydrogeologist report. Ecology may modify the reclaimed water permit and the recovery time based on later, supplemental documentation.</p>	<p>New</p>	<p>" Applies to Ecology</p>	<p>Codifies requirement</p>