

The Reclaimed Water Rule

The state Legislature directed the Department of Ecology (Ecology) to adopt a rule for reclaimed water use by December 31, 2010. The rule provides a consistent, predictable, and efficient regulatory process. It also encourages the generation and beneficial use of reclaimed water while preserving and protecting public health, the environment, and existing water rights. When adopted, the new rule will be chapter 173-219 WAC.

This document answers some of the most common questions Ecology has been asked during rule development.

Q: What is reclaimed water?

A: Reclaimed water is a water supply produced by treatment of municipal or domestic wastewater. The treatment processes are designed to assure that the water is safe and suitable for the intended use.

Q: How does Washington use reclaimed water?

A: We use reclaimed water for a wide variety of beneficial uses such as irrigation, industrial process and cooling water, toilet flushing, dust control, construction activities and many other uses of non-potable water supplies. We also use reclaimed water as a resource to create, restore and enhance wetlands, recharge our groundwater supplies and increase the flows in our rivers and streams.

Q: How many regulations apply to reclaimed water?

A: Reclaimed water is a hybrid program with elements from numerous federal and state regulations. These include water resource management, water supplies, urban and watershed planning, wastewater management, wetlands, groundwater and surface water protection, and public health and safety. It is important to realize that these requirements are established for different purposes.

MORE INFORMATION



The city of Yelm's reclaimed water enters the Cochran Memorial Park through this waterfall. It receives further treatment through wetland polishing before recharging to the groundwater.

Rule development schedule

Dec, 15, 2010 – Tentative CR 102 filing followed by public hearings and comment period

June 15, 2011 – Tentative final rule adoption

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Special accommodations

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Q: How does the new rule improve program administration?

A: This is the first rule for reclaimed water use in the state of Washington. The rule establishes administrative procedures and technical requirements. It helps proponents navigate through the requirements for planning, design, construction and permitting of the generation, distribution and use of reclaimed water.

Q: What is the cost of meeting all these requirements?

A: This question is best answered on a project-specific basis. The engineering report and the enforceable limits established in a permit must weigh the costs and benefits for each proposal. The rule provides enough flexibility to help beneficial projects move forward while preventing activities that would not be in the public interest. Ecology considers overriding public interest in accordance with state policy established in chapter 90.54 RCW.

Q: How does the rule remove barriers to reclaimed water use?

A: The rule brings consistency, credibility and predictability to the regulatory process. The rule provides sufficient flexibility to accommodate the diversity of proposed projects while assuring that reclaimed water is considered within the context of other state and federal requirements. Having a rule moves reclaimed water forward from the early pilot phase to a mainstream program.

Q: Where is the point of compliance for ground water recharge by surface percolation?

A: A permit, not the rule, will establish a point of compliance based on the specific characteristics of the project. For each parameter, the lead agency establishes the point of compliance at a location where the enforceable limit for each parameter must not be exceeded. For some parameters, compliance is measured in the reclaimed water prior to recharge. For other parameters, compliance is measured in the ground water.

Q: What is the anti-degradation policy?

A: It is the public policy of the state of Washington to maintain the highest possible quality of our groundwater. Ecology requires an evaluation to determine if there is a potential for the reclaimed water project to degrade existing groundwater quality. Based on that determination, Ecology establishes enforceable limits and monitoring requirements as needed to protect existing and future beneficial uses and in consideration of overriding public interest.

Q: What's Ecology's time line for processing a reclaimed water proposal?

A: Both lead and non-lead agencies must take action to comment on, approve or reject a submittal within 90 days of receipt except for water right impairment reviews. The rule allows 180 days for the review of water right impairment evaluations. If circumstances prevent review within the established time period, the lead agency must notify the applicant of the reason for the delay and provide an estimated review time.

Q: How could changing a wastewater discharge to reclaimed water affect a water right holder?

A: A wastewater facility that decreases or stops its discharge to state waters and reclaims the water for a new beneficial use (such as irrigation) may affect water right holders who relied on the discharge for their water supply. Under western water law, new water uses and/or changes to use may not adversely affect (impair) existing water rights. That is, a senior water right holder may not alter their use in a way that impairs a junior water right holder and vice versa.

Q: Will reclaimed water use always result in water rights impairment?

A: No. The rule requires an evaluation to determine whether or not there is a potential to impair existing water rights. There are many wastewater discharges where existing water rights would not be affected. For example, the wastewater facility discharges to marine water, therefore no water rights exist downstream. The facility discharges to ground water or surface water that is not fully appropriated to other users. The facility decides to reclaim water during high flow periods and store it to provide more water during low flow periods. The facility is brand new and never discharged wastewater.

Q: How will the potential for impairment be determined?

A: Ecology and the project proponent will work together to evaluate and determine the potential, if any, for water right impairment. The evaluations will range from the very simple to the more complex, depending on the situation. Specifically, the draft rule proposes the following process:

Ecology develops a preliminary list of water rights that might be impaired. The water rights might be for farms, industries, tribes, water suppliers, or a state instream flow. The proponent or Ecology completes an evaluation of whether changing the discharge to a reclaimed water use would impair water right holders. After the evaluation is complete, Ecology provides for public comment, consults with tribes, and consults with the Department of Fish and Wildlife to gather input. Ecology then makes a determination on the potential to impair. Ecology has up to 180 days to make a determination after the evaluation is complete. The rule also allows the option for a project proponent to simply identify those that might be affected and start early discussions with them to develop a project that everyone will support.

Q: What happens if there is impairment?

A: The proponent may decide to modify the project so that water rights will not be impaired. For example, the facility might continue to discharge the reclaimed water during certain periods or store reclaimed water and release it later to prevent impairment. The proponent may also decide to negotiate compensation or mitigation with the water right holder or abandon the project. Affected water right holders might be farms, industries, tribes, water suppliers, or a state instream flow. In limited circumstances, proponents may try to condemn a water right.

Q: What regulations/standards apply to using reclaimed water to augment a wetland?

A: Any use of reclaimed water in wetlands must be consistent with the applicable requirements of the state Water Pollution Control Act chapter 90.48.RCW, the Shoreline Management Act of 1971 (chapter 90.58 RCW), local government adopted Critical Areas Ordinances, Water Quality Standards for Ground Waters (chapter 173-200 WAC, and Water Quality Standards for Surface Waters (chapter 173-201A).

Q: Can an existing water system be converted to reclaimed water?

A: Yes. This is relatively straightforward to convert other non-potable systems. To convert an existing potable system to reclaimed water, the project must take every precaution to assure there is no potential for cross connections with any remaining potable waterlines.

Q: Can exiting buried pipe be repurposed to convey reclaimed water?

A: Yes. For conversion of existing storage and distribution systems to reclaimed water use, the rule would require you to label all accessible points as reclaimed water at the time of conversion and also label any inaccessible locations at the time of repair or replacement.

Q: What application rates apply to irrigation uses of reclaimed water?

A: The application of irrigation water is limited to methods and agronomic rates established in standard manuals of practice appropriate to the type of vegetation or 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 engineering report. Characterization must include the parameters listed in standard industry manuals of practice applicable to the types of vegetation or crop and irrigation methods. Constituents such as salts, nutrients, organic and inorganic compounds may adversely affect some soils or plants when applied for irrigation.