



DEPARTMENT OF
ECOLOGY
State of Washington

**Rule Implementation Plan
Reclaimed Water
Chapter 173-219 WAC**

January 2018

Publication no. 18-10-004

Publication and Contact Information

This report is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/SummaryPages/1810004> .

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Reclaimed Water
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Water Quality Program
Washington State Department of Ecology
Olympia, Washington

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Table of Contents

PURPOSE 1

INTRODUCTION 1

IMPLEMENTATION AND ENFORCEMENT..... 1

INFORMING AND EDUCATING PERSONS AFFECTED BY THE RULE..... 3

PROMOTING AND ASSISTING VOLUNTARY COMPLIANCE 3

EVALUATING THE RULE..... 4

TRAINING AND INFORMING ECOLOGY STAFF..... 5

LIST OF SUPPORTING DOCUMENTS THAT MAY NEED TO BE WRITTEN OR REVISED 6

MORE INFORMATION 6

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Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On January 23, 2018, Ecology adopted Chapter 173-219 WAC Reclaimed Water (AO # 06-12). The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-219 WAC about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

Ecology has been developing, issuing, and enforcing reclaimed water permits under Chapter 90.46 and 90.48 RCW authority for approximately 20 years.

Upon the effective date of Chapter 173-219 WAC, Ecology will develop, issue, and enforce reclaimed water permits largely in the same manner in which we do now. This chapter was written so that upon the effective date of this chapter Reclaimed Water permit development and issuance will integrate into Ecology's existing permitting processes with little change in effect on implementation and enforcement. The implementation of this chapter will help the program maintain consistency for reclaimed water permit requirements for facilities across the state.

The rule clarifies many existing procedures of the permitting process and adds some new detail in areas such as feasibility analysis and engineering review. Ecology has already begun integrating these clarifications and additional steps into our internal and external guidance documents to ensure successful implementation.

Ecology will identify and prioritize compliance assistance to existing permittees with upcoming permit renewals. Ecology will assist them in identifying the provisions of the chapter that will affect their permit renewal and thus their next permit cycle. Ecology will work with them as needed to ensure compliance with the new chapter during their first permit renewal process under the provisions of Chapter 173-219 WAC.

In addition, the chapter allows for existing permittees to request an extension and/or a waiver for certain provisions of the chapter. Ecology will work with permittees on these requests as needed, while still ensuring protection of health and the environment.

Regional permitting staff will work with any new reclaimed water project proponents to help scope the required feasibility analysis in the early planning phase of a project and throughout the permitting process as prescribed in the chapter. This is largely the same as they do now. Any new clarifications and steps will be integrated at the beginning of the process.

The uncodified [1997 Water Reclamation and Reuse Standards](#), will no longer be in effect as of the effective date of this chapter and will be unpublished or marked “obsolete” in Ecology’s publication data base.

This chapter will replace these standards. Shortly after the effective date of this chapter, Ecology will convene a stakeholder technical workgroup to complete an update to the necessary guidance materials, including the following:

- [Draft Reclaimed Water Facilities Manual – Purple Book](#)
- [Criteria of Sewage Works Design - Orange Book](#) (sections relevant to reclaimed water)

The update to these guidance materials will assist project proponents in more technical aspects of compliance like conducting the feasibility and impairment analyses, as well as project design and engineering, application of groundwater standards, and much more.

Informing and Educating Persons Affected by the Rule

Ecology will be updating our new website (www.ecology.wa.gov) to communicate the adoption of this chapter, including the response to comments in the required Concise Explanatory Statement.

To drive the stakeholders and other interested parties to the information provided on the website Ecology will use a listserv announcement to the approximately 350 subscribers upon adoption of the chapter, as well as notice to all those that commented on the rule and tribal governments.

All existing permittees will be sent notice of the effective date of this chapter as well as their obligation under this chapter to either comply or request an extension with cause for additional time to come into compliance. As previously stated, Ecology will work with existing permittees to ensure they are—or will be—in compliance by a date certain.

The lead reclaimed water rule writer will:

- Develop and maintain communication materials on reclaimed water so that staff, management, and interested stakeholders are aware of opportunities for the successful generation and beneficial use of reclaimed water.
- Look for opportunities to enhance Ecology’s overall support for reclaimed water so that we provide resources along with rules and regulations to support and encourage beneficial use of reclaimed water.
- Coordinate with existing drinking water and wastewater operations staff to look for and create opportunities to inform certified operators of the new certification requirements.
- Look for opportunities to present at relevant conferences following adoption of the chapter.

Promoting and Assisting Voluntary Compliance

Ecology has been developing and issuing permits and advising permittees on reclaimed water permits for years. Ecology will continue to provide assistance and guidance to permittees as requested and needed. A notice provided to existing permittees will highlight the immediate compliance obligations under the new chapter—along with an offer of assistance. Ecology will prioritize assistance to permittees based on how soon their permits are up for renewal so as to address the most pressing compliance obligations first.

For new projects under this chapter, Ecology will meet with project proponents to scope the Feasibility Analysis (FA) as is required under the chapter. This step was very specifically

required to provide Ecology the opportunity to assist in the development of the scope the FA. This will include a discussion of the project specific design and review process requirements, as well as the permitting process, their obligation to comply with this chapter and ultimately, any permit they may be issued.

The stakeholder process to update guidance materials will result in current, up-to-date guidance that will also assist project proponents in all manner of compliance with this chapter. Ecology will provide easy access to this information on www.ecology.wa.gov.

Importantly, the chapter itself contains many provisions to encourage compliance, including signature requirements, which guarantee a certain level professional commitment to ensuring compliance. Reclaimed water generators are well versed in the regulatory compliance requirements associated with collection and treatment of wastewater. This chapter adds very similar compliance expectations for generation and distribution of reclaimed water.

Evaluating the Rule

Ecology will evaluate this chapter on a continual basis, as it will be the guiding principles under which the permits are issued and enforced. This ongoing evaluation will be conducted to determine what, if any, additional guidance needs to be developed to assist prospective permittees on the process.

Staff will be asked to track project information milestones, administrative or technical issues, or policy concerns that arise as they begin to work with permittees on projects and issue permits to comply with this chapter. Existing and long standing workgroups exist within Ecology to facilitate continuous evaluation and improvements in how we implement rules. Groups such as the Permit Writer's Workgroup will provide a forum for discussion of how well the chapter is being implemented and where improvements can be made.

This "user" testing of the chapter, will inform, to a large extent, how successful the chapter is at meeting the goal and objectives laid out by Ecology at the outset of the renewed rulemaking that began in 2016.

Practically speaking, some measures of success will mean:

- Existing reclaimed water permittees are able to come into compliance with the new chapter upon their permit renewal date without substantial treatment facility modifications and/or a reduction in their ability to generate, distribute, or use reclaimed water.

- New project proponents are able to discern from the chapter and the guidance materials what their requirements are and how to meet them.
- Fewer staff resources applied to helping project proponents navigate the process to comply with the chapter.
- Increase in the number of issued reclaimed water permits.
- Decrease time it takes to complete the permitting process.
- Increase reclaimed water use around the state.
- Improve consistency of required conditions in reclaimed water permit across the state.

Training and Informing Ecology Staff

The lead rule writer will work with technical leads and subject matter experts following final adoption of the chapter. This includes the following:

- Coordinate with the technical leads on refining reclaimed water guidance (Purple book and Orange Book) so that necessary guidance accompanies the rule following adoption.
- Coordinate with the program's technical lead for permitting to ensure that the processes and procedures for reclaimed water permitting build on lessons learned in existing permitting and integrate well with existing processes. This includes integration of the new rule language to inform:
 - Reclaimed water permit shells
 - Permit applications
 - Associated permitting guidance in the Permit Writer's Manual.
- Coordinate with Water Resources Program staff to ensure the latest rules, case-law, and policy are reflected in the water rights portions of the guidance produced following rule development.
- Coordinate with Department of Health (Health) staff to ensure public health and safety concerns continue to be fully addressed in rule implementation. Confirm future roles and responsibilities on regulating reclaimed water are clearly defined and documented.
- Coordinate with reclaimed water permitting staff to ensure they have adequate opportunities to provide input and are informed of the status and direction of guidance following rulemaking.

- Coordinate with operator certification staff at Ecology and Health to create a clear path for operators seeking the necessary certification.
- Develop and maintain communication materials on reclaimed water so that staff, management, and interested stakeholders are aware of opportunities for the successful generation and beneficial use of reclaimed water.
- Look for opportunities to enhance Ecology’s overall support for reclaimed water so that we provide resources along with rules and regulations to support and encourage beneficial use of reclaimed water.
- Present on the topic of reclaimed water, both in-state and more broadly, so that a wide range of stakeholders, potential generators, and users of reclaimed water are informed of the new rule and guidance in a way that encourages beneficial use.

List of Supporting Documents that May Need to be Written or Revised

1. [Reclaimed Water Permit Application](#)
2. [Draft Reclaimed Water Facilities Manual – Purple Book](#)
3. [Criteria of Sewage Works Design - Orange Book](#)
4. [Water Quality Program Permit Writer’s Manual](#) – Internal use, publicly available
5. Reclaimed Water Permit Shells – Internal use
6. Notice of Adoption to Existing Permittees
7. Focus Sheet-Chapter Overview- send with Notice of Adoption to Existing Permittees
8. Focus Sheet or webpage content on Operator Certification requirements
9. Reclaimed Water webpages, a Reclaimed Water Technical Advisory Committee page.

More Information

Reclaimed Water Permit Application:

<https://fortress.wa.gov/ecy/publications/summarypages/ecy070180.html>

More information about reclaimed water:

<https://ecology.wa.gov/Water-Shorelines/Water-quality/Reclaimed-water>

More information about reclaimed water rulemaking:

<https://ecology.wa.gov/Regulations-Permits/Laws-rules/Rulemaking/WAC-173-219-Jun14>

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