



Washington Association of Sewer & Water Districts

EDUCATE ■ ADVOCATE ■ COLLABORATE

October 12, 2017

Ms. Jocelyn Jones
Washington State Department of Ecology
PO Box 47600
Olympia, WA 908504-7600

RE: Comments of the Washington Association of Sewer and Water Districts on Review of the Third Draft of the Reclaimed Water Rule Proposal WAC 173-219 released August 23, 2017

The members of the Washington Association of Sewer and Water Districts (WASWD) welcome this opportunity to comment on the proposed Reclaimed Water Rule, as we have done previously. Our members encourage the use of reclaimed water as part of a comprehensive, coordinated plan for sustainable use and reuse of potable water and wastewater.

Our review of the newly revised proposed rule, and the accompanying document, *Preliminary Regulatory Analyses for Chapter 173-219 WAC, Reclaimed Water*, has shown that our previous comments regarding prohibiting the use of reclaimed water in Wellhead Protection Areas and Critical Aquifer Recharge Areas were summarily dismissed with the statement "*This alternative does not meet the goals and objectives of the statute of encouraging the production and use of reclaimed water.*" **To our member water districts, this statement makes it appear that reclaimed water use is a more important activity than the provision of safe, clean, economical drinking water to urban and rural communities in Washington state.**

We do not believe the Legislature intended to allow reclaimed water to be used at any cost, including the potential contamination of pristine groundwater aquifers used for drinking water. This contamination would not have to be in the form of exotic, carcinogenic chemicals. **Just the presence of chlorine disinfectant in the reclaimed water appearing in a previously pristine groundwater source could compel a water purveyor to then institute chlorination as that water is distributed, incurring a permanent increase in cost of the water, and a sense in the customers that they have lost something wonderful.**

The Wellhead Protection Program, with its extensive planning and implementation, was created to prevent contamination from reaching drinking water wells, and yet the new reclaimed water proposal does not contain a requirement for coordination between the project proponent and a water supplier: all that is required in the permit application is "*List of all potable water suppliers, potable water sources, storage, and distribution facilities within 1000 feet of all potential reclaimed water generation, reclaimed water storage, and inadequately treated water storage facility areas, as well as any proposed use areas. At a minimum, water source protection and cross connection control actions and concerns must be identified. (173-219-180(c) (vii)*" **This does not mention coordination with the water purveyor to ensure the safety of the drinking water supply, and does not include the kind of comprehensive planning for all sources of water that the potential use of reclaimed water would imply, and that the legislature surely intended.** It is very much a "*one way street*", with reclaimed water taking primacy over the safety of drinking water supplies. The mention of potable water supplies within 1000 feet of the reclaimed water project is an arbitrary number. The basis for a protective area should be based on local conditions, which are well documented in the Wellhead Protection Area plans already required of local water utilities. **We would request that, at a minimum, the protective area be delineated by the 5 year (or equivalent) capture area of the well, and that the water purveyor be the final arbiter for distance between the reclaimed water project and the water source.** We do not anticipate a

large reduction in the area potentially proposed for a reclaimed water project, probably much less than 1% of the area at a proposed site.

Another concern that WASWD expressed in the last round of public comment was that of service areas, and the potential impact of reclaimed water use on revenues. Ecology again stated in the *Preliminary Regulatory Analyses* that "It is the intent of the legislature that, the department of ecology and the department of health undertake the necessary steps to encourage the development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water requirements of the state." **We would agree that reclaimed water needs to be a part of long-term sustainable water usage in this state. However, water purveyors are subject to numerous regulatory statutes which designate where they may provide water. Coordination of service areas and development of detailed plans ensures that investments in infrastructure and other capital projects are economically feasible and the utility is able to collect sufficient revenues to continue to provide quality service to customers.** The introduction of reclaimed water into these districts should be closely coordinated with the purveyors, so that revenues are not unduly reduced, and infrastructure assets stranded in areas where reclaimed water potentially supplants potable water as an irrigation or industrial source. We are simply asking that reclaimed water be required to conform to the existing legal parameters under which the rest of the water industry must operate.

We have also reviewed the comments of the Washington Water Utilities Council, which speaks for water purveyors statewide. We agree with their concerns and fully support them.

Specific Comments

- 173-219-180 Feasibility Analysis at .1(c)(vii) requires identification of water facilities within 1000' of storage and use sites. **This is frequently not a large enough area, and this dictates a list only, and not coordination with the owners of those water facilities. We suggest that you apply the approach described above.**
- 173-219-210 Engineering Report. At subsection .2.g we find an affirmative duty to protect surface water sources from contamination requiring added treatment. At .2.s.iv, the proponent must demonstrate that beneficial uses for wetlands must be maintained if reclaimed water is used. At .2.t.iii, surface water augmentation must show that reclaimed water used must not cause need for intake modifications or additional treatment. There is no corresponding requirement in .2.u and .2.v to protect groundwater sources. **We must provide protection for groundwater drinking water sources that are at least as protective as those regulations applied to surface waters and wetlands.**
- 173-219-280 Fact Sheet. **This should include information on how groundwater sources of drinking water will be protected.**
- 173-219-360 Storage and Distribution at .2.a another reference is made to a 1000' radius; but, inclusion of sub-section (b) allowing the lead agency to set a larger area is a step in the protective direction. **Above comments about a consistent protective area would apply here also. At subsection (5) the distance of concern is 200', which is much too small. The same protective area based on wellhead protection area is needed here also. At subsection (7) the same concern would apply regarding distance and approvals.**

Sincerely,



James Kuntz
Executive Director, WASWD