

Meeting Minutes

Drinking Water Advisory Group Monday, January 5, 2015

Location: Kent, WA with video conference to Shoreline, Spokane, and Tumwater
Time: 9:00 am – 12:30 pm

1. Clark Halvorson, Director, Office of Drinking Water: **Welcome and emerging issues**
 - Mike Means is our new deputy director of Operations.
 - We are in the process of the filling his position he left as Water Quality manager.
 - We are close to filling the Policy and Rules section manager position.
 - We expect to have hearings in January regarding submitting agency request legislation for our DWSRF loan program. The decision package is in the Governor's budget.
 - We will update you as it progresses.
2. **Topic updates:**
 - Don Seeberger – Ecology's Water Quality Program: **Ecology's legislative and budget requests**
 - *Reclaimed water rule*
 - Started in 2006, but had to put it on hold. The rule was 85 percent finished so we've started the process again.
 - We submitted the CR101 (announcement of our intent to do rule making). Currently asking for informal public comment period. We are on track to file the CR102 to open the formal public comment period in June 2015.
 - The CR103 (final stage) is planned for October 2015.
 - Effective date of the rule is scheduled for November 2015.
 - *Human health criteria*
 - This has been big the past two years.
 - There will be a comment period. If interested, Don can give more information on meeting locations, dates, and times.
 - Currently planning three or four meetings in Seattle, Lacey/Tumwater, and Spokane.
 - Plan to complete meetings in August 2015 and finalize by end of the year.
 - *Governor's toxic initiatives*
 - Included a framework to deal with the most problematic chemicals.
 - The six topic areas would improve and focus on removing toxics from the environment.
 - Governor Inslee's policy brief and toxics reduction presentation given Water Quality Partnership on 12-18-14:
<http://www.ecy.wa.gov/Programs/wq/partnership/121814/>
 - Ecology's best website about this topic:
www.ecy.wa.gov/programs/wq/ruledev/wac173201A/1203inv.html

- *Water quality assessment*
 - Ecology's 303D list captures data identifying polluted waters in the state.
 - Started gathering data in 2011.
 - They hope to have this completed by the end of the year and will submit the 2012 assessment.
 - The river segments are now using NHD segments (make the listing segments longer) instead of township and range.
 - This is a big transition along with the number of water bodies that will be added or changed.
 - <http://www.ecy.wa.gov/programs/wq/303d/freshwtrassessmnt/index.html>
- *Concentrated Animal Feed Operations (CAFO)*
 - Ecology has started the process to renew CAFO permits.
 - They currently have only 10.
 - To qualify, you must have a known discharge before they can put you on the permit.
 - They rely heavily on Agriculture's Dairy Program for their data.
 - This is a very contentious permit with the industry.
 - Website: <http://www.ecy.wa.gov/programs/wq/permits/cafo/index.html>
- *Municipal storm water permit*
 - Changed in 2013 for Phase 1 and Phase 2 communities.
 - Now complete and should take effect on January 16.
 - You can read more about the changes at Ecology's Municipal Stormwater website:
<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMod2014.html>
- *Public and private dams with 401 certification*
 - FERC licensing (hydropower dams) requires public and private dams to have a 401 certification.
 - Working to extend our sunset.
- *Tracking water underground – Senator Honeyford*
 - Ecology is also tracking legislative information dealing with groundwater.
 - It proposes using drinking water standards instead of the current groundwater standards.
 - Ecology is going to look at the implications of the new standards.
- **Dave Christensen – Ecology's Water Resources Program: Rural Water Workgroup and work with counties on water availability determinations**
 - Due to water withdrawals and natural hydrology, water is typically not available for new year-round uses from most small rivers and streams.
 - The optimum habitat isn't usually found in our streams.
 - *Legal framework*
 - RCW 90.54.020(3)(a) states perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife.
 - *Use of reservations and Overriding Concern for Public Interest (OCPI)*
 - How do we continue to set instream flows and not eliminate water for communities?

- Ecology sets reservations for communities.
- A certain amount of water use could affect the streams.
- The legislature says they can do this if they meet the overriding populations' needs.
- *Swinomish Decision*
 - In 2013, the Supreme Court ruled the Skagit instream reservation was invalid.
 - This forced Ecology to fall back to the 2001 rule.
 - Two related issues:
 1. Allowed impairment of “senior water right” – the Skagit River instream flow set in 2001.
 2. The OCPI was a “public interest test” and wasn’t appropriate.
- *Finding rural water solutions*
 - First began dialog with the Water Resource Advisory Committee (WRAC); then held larger stakeholder meetings through September 2014.
 - They solicited stakeholder ideas – asked what stakeholders thought and how they would approach the situation.
 - Performed analysis and issued a draft of the synthesis in November 2014.
- *What did Ecology hear?*
 - Ideas for approaches using existing authorities:
 - Continue to establish reserves
 - Establish mitigation banks
 - Require use of cisterns during low-flow periods
 - Use conversation to make water available
 - Broaden mitigation options
 - Rely on local governments for integration of land use planning and water resource protections
 - The conservation of large users could free up for others to be used for future development
 - Ideas for approaches requiring statutory change:
 - Flexible mitigation in the context of rural water use
 - Legislative OCPI directive for permit exempt reserves
 - Statutory priority for domestic water use
 - Define impairment around protecting instream values
- *Ecology’s analysis*
 - Working on a rule now in the Spokane Basin based on constraints of geography.
 - Plan to purchase a senior water right.
 - Difficult in other areas of the state – even in water rich basins, there are tributaries with very low water during summer months.
 - They see significant barriers to overcome to establish instream flows to manage both concerns.
 - Looking at mitigation more broadly gave them more possibilities (need more stakeholder support of this).
 - Believe discussing defining impairment in statute could lead to potential solutions.

- *Nexus between water resources and land use*
 - There is a case before the appeals court (Hirst v. Whatcom) that will be heard in January.
 - Our position on Hirst was that the WRIA 1 rule doesn't apply to permit exempt wells.
- *What about existing instream flow (ISF) rules?*
 - 15 ISF rules adopted before 2001
 - Since 2001, they apply to surface and groundwater
 - Nooksack rule applies only to Ecology's permitting
- *Updating water availability guidance*
 - Previously co-adopted by Health and Ecology in 1993.
 - Created to address physical and legal water availability.
 - Working to form an advisory group of about 20.
- *2015 legislative preview*
 - Budget shortfall will dominate discussions.
 - Infrastructure funding: storm water, flood control, and water supply.
 - Addressing conflict in the Skagit Basin.
 - Rural water solutions: Ecology isn't planning to introduce new legislation, proposals may come out of stakeholder work.
 - A couple bills have already been dropped about water banking.
- **Ginny Stern – Office of Drinking Water: Heat source wells**
 - Heat source wells are heating and cooling systems that allow us to take either the heating capacity in the ground and groundwater and bring it into our house or vice versa for cooling.
 - Two major types:
 - Open loop system
 - Pull water out of the ground at that temperature, then heat it and put it back into the ground.
 - High risk (requires more regulatory oversight)
 - Closed loop system
 - This system is more like a radiator.
 - Fluid flows through pipes and can absorb heat and release heat depending on the process.
 - Don't require a water right.
 - Low risk (less regulatory oversight)
 - They are regulated slightly differently; both are regulated under the state's well construction standards.
 - Construction standards are similar to drinking water wells.
- **Mike Means – Office of Drinking Water: Water Facilities Inventory (WFI)**
 - We are having an ongoing discussion of the reorganization of our WFI Program.
 - Wanted to free up resources in our regional offices to make more efficient, centralized changes.
 - Now annual mailings will be sent to our Headquarters office.
 - Look for more information in *Water Tap*.

3. Linda Kildahl, Jolyn Leslie, and Scott Torpie – Office of Drinking Water: **Group A Rule revisions**

- *Planning – Linda Kildahl*
 - We extended the formal comment period until the end of January.
 - Summary of draft WAC changes: Disinfection Planning Workgroups
 - Expect utilities are going to be pleased with the changes.
 - Our goal was to clarify concepts that we have talked about for a while – appropriate level of planning.
 - We revised the definition of “expanding systems” in section 010 to define and broaden the definition.
 - The draft rule language is on our [website](#); available for an informal comment period through January.
 - Expanded the WSP approval period to from six years to 10 years and allows requests for a shorter approval period.
 - *Updated forecasting requirements*
 - Went through each element of a water system plan to specify the future projection period.
 - The changes are technical clarifications to support the new 10-year cycle.
 - *Updated CIP requirements*
 - We want to get specific language for the plan approval period, but beyond that, we expect flexibility.
 - *New section on water system plan (WSP) amendments*
 - You can submit a plan at any time, but the amendment does not serve as an update.
 - *Updated local government consistency requirements*
 - A minor clarification – we revised the growth projection timeframe to equal the new WSP approval period.
 - A few small water system technical changes in section 105 mirror changes to the water system plan section (section 100).
- *Disinfection – Jolyn Leslie*
 - We want the WAC to be clear and precise while protecting public health.
 - The most significant changes are in WAC 246-290-451 and 246-290-453.
 - Effective with these changes we are looking at three types:
 - Systems with disinfection required to meet CT-6
 - Distribution disinfection – wells that don’t have contamination at the source
 - Groundwater rule – federal requirement for systems that have certain triggers with chlorine and 4-log treatment
 - Added a definition for detectable residual because we’ve never had a clear definition.
 - Decided to look at the accuracy of the meter being used and factor in the error of your meter.
 - Defined monitoring, reporting and treatment technique violations for systems that disinfect.
 - For systems under WAC 246-290-451, the monitoring requirement is stated as being five-days per week.
 - Added a new requirement to provide CT-6 level disinfection.

- Removed the requirement for CT-6 systems to maintain detectable residual in distribution and included the existing federal requirement to measure residual during routine and repeat coliform monitoring.
- Added a requirement for distribution disinfection for systems with repeated facility failures.
 - This was already in the previous WAC, but we clarified it more.
 - The trigger for required distribution disinfection is if your system has repeated coliform MCL violations and coliform repeat violations.
- Added an exemption from the monitoring and reporting requirements for systems that add disinfectants for purposes other than disinfection of distribution.
- Changed the title of WAC 246-290-453 Treatment Techniques for Groundwater Systems to Corrective Action under the Groundwater Rule (GWR).
 - We changed the title to clarify the purpose of this section.
- There are a couple of minor changes to Section 6 that deals with surface water.
- The revised qualifications to allow a non-certified operator to conduct distribution system residual disinfectant concentration monitoring.
- Made a technical change to allow the use of laser turbidimeters for compliance monitoring.
- *Emergency sources and trucked water – Scott Torpie*
 - Our goal is to separate the definition of the emergency source and the requirements of the emergency source.
 - We have developed a provision for an emergency source to remain physically connected to the distribution system.
 - Drilled and cased well
 - Physically isolated (valve and electrically locked out)
 - Emergency source must be addressed in your emergency response plan
 - *Trucked water (WAC 246-290-131(4))*
 - Added standards for use of trucked water to supply the public water during an emergency.
 - You must:
 - Receive prior permission from local health, state health, and local or state Emergency Management Agency.
 - Obtain supply from an approved Group A source.
 - Establish disinfection (0.5 mg/l residual), C12 sampling, and reporting standards.
 - The operator is responsible to hire a truck with proper sanitary precautions.

4. Clark: **Queuing up the next meeting**

- *Future topic ideas:*
 - Legislative updates; include Ecology in our discussions.
 - Open mic session for stakeholders.
 - Opportunity to talk about funding issues at both the state and national levels.

Next meeting:

- February 23, 2015
- Time: 9 a.m. – 12:30 p.m.