



## Meeting Notes

### Drinking Water Advisory Group

March 4, 2024

Agenda Item	Notes
<p><b>2. ODW &amp; Legislative Updates</b> Holly Myers, Office Director</p> <ul style="list-style-type: none"> <li>• <a href="#">ODW Facilities Changes Handout (PDF)</a></li> <li>• <a href="#">ODW Day with DOH Schedule (PDF)</a></li> </ul>	<ul style="list-style-type: none"> <li>• The Spokane office moved to an interim/temporary location until their final location is ready.</li> <li>• Day with DOH scheduled for March 20, 2024, at the Skagit Conference Center.               <ul style="list-style-type: none"> <li>○ Virtual options available, agenda coming soon.</li> </ul> </li> <li>• Staff shortages in source monitoring and water quality monitoring.               <ul style="list-style-type: none"> <li>○ WQMS is not back online yet but should be soon. Stay tuned.</li> <li>○ If you were on quarterly monitoring at the end of the year, make sure you continue to monitor.</li> <li>○ Any questions, please reach out to your regional office.</li> </ul> </li> <li>• Expecting quarterly monitoring to continue.</li> <li>• Added 26 positions in 2023.</li> <li>• Currently have 5 vacancies as well as a couple of project positions.</li> <li>• The legislative session is nearing the end. Budget announced—proposed funding for several activities, still awaiting final decisions.</li> <li>• Communications within Management Team and Extended Management Team regarding non-residential population being underreported.               <ul style="list-style-type: none"> <li>○ WFI staff is working with the largest 13 water systems across the state to assist with tracking accurate non-residential populations to help ensure systems are monitoring properly.</li> </ul> </li> <li>• With a lot of new staff, we ask for patience and grace.</li> <li>• We are holding an in-person all staff meeting in March.               <ul style="list-style-type: none"> <li>○ Hoping to schedule more in the future.</li> </ul> </li> </ul>
<p><b>3. Rulemaking for House Bill 1181 From 2023 Legislative Session</b> Brad Burnham, Policy and Planning Section Manager; John Freitag, Policy Planning Lead</p>	<ul style="list-style-type: none"> <li>• The last day of legislative session is Thursday, 3/7.</li> <li>• Bills that we were tracking, but are no longer alive:               <ul style="list-style-type: none"> <li>○ Water Resource Mitigation.</li> <li>○ Receivership of Public Water Systems.</li> <li>○ Middle Housing Bill – looking at this due to exemptions or lack of exemptions surrounding density requirements.</li> </ul> </li> <li>• House Bill 1181 passed during the last legislative session.               <ul style="list-style-type: none"> <li>○ Large bill and last two sections relate to drinking water.</li> <li>○ Climate resiliency related bill.</li> <li>○ A new climate resiliency element is required in the Water System Plans.</li> <li>○ Rulemaking has begun to add this requirement to our rules.</li> <li>○ Beginning June 30, 2025, water plans initiated after that date require a new climate resiliency element.</li> <li>○ We will update our guidance and provide technical assistance.</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>○ Requires plan to assess critical assets, which extreme weather events pose concerns, and generate reports describing cost/benefit analysis.</li> <li>○ Our partner in this work is the Climate Impact Group at the University of Washington.             <ul style="list-style-type: none"> <li>▪ We have already met with them.</li> <li>▪ They have resources on their website—we may be augmenting these resources to help water systems meet this new climate resiliency element.</li> <li>▪ Hope to have a draft set of guidance ready by this summer.</li> </ul> </li> <li>○ Rulemaking is separate—we will potentially add:             <ul style="list-style-type: none"> <li>▪ Systems serving 1,000 or more connections, a climate resilience element as required under RCW 43.20.310.</li> </ul> </li> <li>○ We are in public comment period right now.</li> <li>○ Link to proposed rule changes and hearing information here: <a href="#">24-05-084.pdf (wa.gov)</a>.             <ul style="list-style-type: none"> <li>▪ Hearing is scheduled for April 4, 2024, at 3:30 p.m. at TC2, Room 166 &amp; 167; virtual option as well—register here: <a href="#">Webinar Registration—Zoom</a>.</li> <li>▪ You can sign up for the hearing and provide comments at this link.</li> </ul> </li> <li>○ DOH wants to help with guidance and implementation as much as possible.</li> </ul>
<p><b>4. Indirect and Direct Potable Water Reuse</b> Steve Deem, Engineering &amp; Technical Services <a href="#">Presentation (PDF)</a></p>	<ul style="list-style-type: none"> <li>◆ Potable Water Reuse and Reclaimed Water Issues in Washington State were presented – refer to the presentation.</li> <li>◆ Key points: Reclaimed water can and has been used for potable reuse in the USA and the world. DOH should be advocating public health aspects of using reclaimed water for aquifer recharge projects under its authorities under Reclaimed Water Rule—WAC 173-219.             <ul style="list-style-type: none"> <li>○ Section 060(4) Health responsibilities the lead or nonlead agency will: Develop permit requirements as necessary to ensure adequate public health protection – use of reclaimed water.                 <ul style="list-style-type: none"> <li>▪</li> </ul> </li> </ul> <p>Significant public health and water quality issues/risks are involved with using municipal wastewater as a source for aquifer recharge. These include chemical contaminants that can cause human harm, Disinfection Byproducts including NDMA, CEC and especially pathogenic microbes – viruses, bacteria, protozoa. WA State treatment standards for aquifer recharge (indirect potable reuse) are not adequate. WA State treatment standards are significantly lower than standards used by other states that have been doing these projects – California standards were presented. California research led to 2014 IPR via ground water injection treatment requirements of 12-log virus reduction, and 10-log protozoa reduction. By comparison WAC 173-219-340 calls for 4-log virus treatment for Class A water and NO protozoa reduction.</p> </li> </ul>



	<ul style="list-style-type: none"> <li>▪ CA microbial treatment requirements apply equally to DPR settings using municipal wastewater as a drinking water supply.</li> <li>◆ Tribal IPR projects involving reclaimed water treated to Class A standards only, and injected into deep wells for aquifer recharge may have been approved by EPA Region 10.</li> <li>◆ Questions asked during the session listed below:             <ul style="list-style-type: none"> <li>○ 1) For surface spreading, is there required a minimum vadose depth above the water table?</li> <li>○ 2) How would you get x-log removal of crypto &amp; giardia when none are detected? <b>A.</b> Put in treatment barrier and monitor for no failures.</li> <li>○ 3) Regarding water rights, what utilities in WA are receiving recognition as [full or partial] non-consumptive uses based on return flow credits? – <b>A.</b> Best to speak directly with ECY Water Resources Dave Christensen.</li> <li>○ 4) Is there any information on soil treatment effectiveness for PFAS? – <b>A.</b> Is soil treatment an effective treatment step? – no. Typically GAC, ION exchanges, and reverse osmosis are the best treatments.</li> </ul> </li> <li>◆ Recently hired Jocelyn Jones to lead policy work surrounding reclaimed water.</li> </ul>
<p><b>5. DWSRF Updates: Available Funding and Loan Cycles</b> Chris Pettit, DWSRF Manager and Jocelyne Gray, DWSRF Engineer</p>	<ul style="list-style-type: none"> <li>◆ EPA’s Lead &amp; Copper rule Revisions—October deadline for Lead Service Line inventories.</li> <li>◆ The portal will be open for submittals soon.</li> <li>◆ Guidance document on our website.</li> <li>◆ Technical assistance available.</li> <li>◆ Email questions to <a href="mailto:lcrassistance@doh.wa.gov">lcrassistance@doh.wa.gov</a>.</li> <li>◆ Lead Service Line Inventory loan cycle is still open until the end of the month.</li> <li>◆ Rulemaking ongoing.             <ul style="list-style-type: none"> <li>○ Definition of Disadvantaged Communities.</li> </ul> </li> <li>◆ Hoping to link to our construction loan guidance.</li> <li>◆ Encourage all to look at our website here: <a href="#">Drinking Water State Revolving Fund (DWSRF)   Washington State Department of Health</a>.</li> <li>◆ Expanding our technical assistance.</li> <li>◆ Want to emphasize the Consolidation Feasibility Study grants are open year-round and available through WALT.             <ul style="list-style-type: none"> <li>○ WALT assistance: contact Sara Herrera in our office.</li> </ul> </li> <li>◆ Questions from chat: I think I heard something about DOH not being able to award all of the loan forgiveness funds because there were not enough applications this last year? Can you discuss the construction loan applications that were received?             <ul style="list-style-type: none"> <li>○ 2023 construction loan applications – we allocated all emerging contaminant money and BIL supplemental subsidy.</li> <li>○ Had extra construction loan money for the loans that came in.</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>○ Lead Service Line is a different story – we have 28 million, had 1.3 million granted during the fall cycle.</li> <li>○ Keeping open until March 29, hoping for another cycle.</li> </ul>
<p><b>6. PFAS Update</b> Brad Burnham, Policy and Planning Section Manager</p>	<ul style="list-style-type: none"> <li>◆ Shared EPA’s website with information regarding the proposed rule: <a href="#">Per- and Polyfluoroalkyl Substances (PFAS)   US EPA</a>.</li> <li>◆ Not officially rolled out – expected announcement late March or early April.</li> <li>◆ After EPA announces rule adoption, we will work with our DOH science office and State Board of Health on this issue and rulemaking.</li> <li>◆ We will also develop a timeline.</li> <li>◆ Link to DOH webpage here: <a href="#">PFAS in Drinking Water—Monitoring and Analysis   Washington State Department of Health</a>.</li> <li>◆ Working with communications team to develop education materials.</li> <li>◆ Continuing to address PFAS with funding requests.</li> </ul> <p>From chat: Dennis, Derrick (DOH)</p> <ul style="list-style-type: none"> <li>○ An invite to sign up for the next phase of testing will be coming via email to COMM and NTNC systems who are eligible very soon!</li> <li>◆ We received emerging contaminants/small and disadvantaged communities grant – working on hiring project positions for this work.</li> <li>◆ Develop and implement short term mitigation for small and disadvantaged communities with high levels of PFAS.</li> </ul> <p><b>From chat: McCord, Chris (COM)</b></p> <ul style="list-style-type: none"> <li>○ FYI...Watching to see if this makes it in final capital budget: Emergency Funding for Drinking Water (to Commerce) – \$1,000,000 of the model toxics control account—state appropriation is provided solely for grants to address emergency drinking water problems in overburdened communities. The department may utilize existing programs to distribute the funding provided under this section, including the emergency rapid response program. <ul style="list-style-type: none"> <li>○ Morrissey, Barbara (DOH) Chris—will only community and NTNC systems be eligible for those funds? <ul style="list-style-type: none"> <li>▪ McCord, Chris (COM) Barb, right now the best answer is we are open to all discussions of system size. The important qualifier is it will require a local emergency declaration and if we were to fund private, not for profit systems, we need to have a public entity administer the funds. Such as the County or LHJ.</li> </ul> </li> </ul> </li> </ul>
<p><b>7. Ecology Memorandum of Understanding Update</b> John Freitag, Policy Planning Lead</p>	<p><b>Document Review and Decision Process</b></p> <ol style="list-style-type: none"> <li>1. Water system submits Document.</li> <li>2. DOH sends submittal to Ecology.</li> <li>3. Ecology reviews document (60 days)</li> <li>4. Ecology sends comments to DOH and water system.</li> <li>5. The water system responds to Ecology comments.</li> <li>6. Ecology notifies DOH and water system on agreement status (30 days)</li> </ol>



- a. When the water system and Ecology agree on capacity analysis and DOH moves to a decision (a-b below).
  - b. When the water system and Ecology disagree on capacity analysis, they begin dispute resolution.
    - i. If disagreement continues, DOH may extend dispute resolution for another 90 days.
    - ii. If disagreement continues, DOH and the water system may mutually agree to extend dispute resolution for up to another 180 days.
    - iii. If disagreement continues, DOH may make decision on the document (c-f below).
7. DOH makes decision on the document.
- a. Approval with water system's capacity analysis.
  - b. Conditional Approval – Approval at existing number of connections with additional capacity attained in the future OR with the number of connections set at the water right limitation.
  - c. Conditional Approval – With Ecology's input Doh approves the document for an alternative timeframe.
  - d. Conditional Approval – If Ecology takes an appealable action, DOH may approve the document based on Ecology's capacity analysis.
  - e. Conditional Approval – If no appealable action, DOH may approve the document with disclaimer language.
  - f. Rejection – DOH may decide to reject the document.
- ◆ Moving forward with training for DOH and Ecology staff on the MOU changes and process.
    - The first training is scheduled for April 2.
  - ◆ Hoping for signatures on the MOU by the end of March.
  - ◆ Concern from John Weidenfeller about the long timeline options for dispute in step 6.
    - The goal of MOU is to have discussions with Ecology in early steps to avoid surprises.
  - ◆ Questions about water rights and capacity came up from Culley Lehman.
    - This is a question for Ecology and not something DOH can answer.
- From chat: "Seems like utilities would have a chance to advise on this MOU prior to signing?"
- ◆ This is an internal MOU between DOH and Ecology and not open to public comment. DOH does care about your input, but this is an internal document/agreement.
- Question from Dan Sander – Why bother going through a water system plan if the system knows that water rights can take years and years for a decision to be made?
- ◆ There is a difference between a water system plan and applications with Ecology.



	<p>Question from chat: Stuckey, Carol (DOH) I've never heard of such a thing, so I believe ECY Water Resources program does not have a forum such as DWAG for ECY engaging with water rights holders. Is anyone aware if ECY has such a forum?</p> <ul style="list-style-type: none"> <li>◆ From Holly – Ecology does prioritize any DW emergency permitting submittals.</li> <li>◆ From Mike Dexel – WRAC for Ecology Water Resources Advisory Committee. – Link here: <a href="#">Water Resources Advisory Committee - Washington State Department of Ecology</a></li> </ul>
<p><b>8. Water Use Efficiency Program Audit and Next Steps and Discussion</b> Brad Burnham, Policy and Planning Section Manager</p>	<ul style="list-style-type: none"> <li>◆ State Auditor’s Office Audit Results – link here: <a href="#">Featured Performance Audit Report   Office of the Washington State Auditor</a></li> <li>◆ Report presented to JLARC.</li> <li>◆ Proviso in operating budget related to the audit results - \$298,000 for UW to come up with some recommendations for funding to effectively implement the program and submit the report by June 30, 2025.</li> <li>◆ <b>Summary of Recommendations</b></li> <li>◆ Collect all information from suppliers required by its rules.</li> <li>◆ Ensure calculations used to determine water system compliance use only reliable data.</li> <li>◆ Improve assistance to suppliers, for example by improving the website and developing a supplier forum.</li> <li>◆ Pursue results from its water use efficiency pilot project.</li> <li>◆ Additionally, we recommended the Legislature grant DOH the authority to exempt small municipal water systems from water loss regulations. This change would help ease the regulatory burden on these systems.</li> <li>◆ Finally, we recommend the Legislature revise the water use efficiency portion of Municipal Water Law to grant the Department of Ecology oversight of the conservation planning and implementation.</li> <li>◆ Question from chat: Archie, Jeanne (GHMWC) – What size do they consider a "small water system"?             <ul style="list-style-type: none"> <li>○ A. Sayrs, Brian A (DOH) For the purposes of the audit, the State Auditor's Office categorized systems with fewer than 1,000 connections as "small."</li> </ul> </li> <li>◆ Who should be invited to participate in the evaluation and development of recommendations to increase the effectiveness of the state’s municipal water conservation program?</li> <li>◆ Draft legislation already mentions:             <ul style="list-style-type: none"> <li>○ Federally recognized Indian tribes</li> <li>○ Municipal water systems and Organizations</li> <li>○ Relevant stakeholders in the evaluation.</li> </ul> </li> <li>◆ Additional recommendations from DWAG:             <ul style="list-style-type: none"> <li>○ WWUC.</li> <li>○ All water systems in the state.</li> </ul> </li> </ul>



	<ul style="list-style-type: none"><li>○ Systems with successful programs AND systems with acknowledged excessive losses.</li><li>○ Systems that participated in the pilot program review.</li><li>○ From Chris McCord in chat - WWUC, AWC, WASWD, WPUDA, WSAC, Commerce Growth Management Unit who are overseeing the need for one million new homes in the next twenty years. Facilitation and funding of reestablishing the water audit tech assistance from several years ago. Perhaps this could be funded from multiple agencies. (discussion with the Sync funding partners).</li><li>○ The subset of industrial community as biggest users of our municipal water users.</li><li>○ Ag community.</li><li>○ I'll second John W's comment regarding very small systems. I think having both a %, and a gpm is a great idea. I've worked with low-use systems where a 1/2 gpm caused them to exceed.</li><li>◆ What should be considered in the evaluation and included in the report?<ul style="list-style-type: none"><li>○ Consider some aggregate reporting to track usage across a given county.</li></ul></li></ul>
<p><b>9. June 2024 Meeting Agenda Planning</b> John Freitag, Policy Planning Lead</p>	<ul style="list-style-type: none"><li>◆ MOU Update.</li><li>◆ Legislative wrap-up.</li><li>◆ Auxiliary Dwelling Units – Guidance for Utilities from DOH.</li><li>◆ WSDM Section 4.2.2 talks about ADUs and when they are or are not separate connections from DOH's standpoint.</li><li>◆ Other emerging contaminants – what can utilities expect in the future?</li><li>◆ Upcoming LSL inventory communication requirements: guidance for the required customer communications.</li><li>◆ Water Reuse.</li><li>◆ PFAS – EPA was considering nine elements. What do we know about the other three added to the six discussed today?</li></ul>