

**WAC 173-219-180 Feasibility analysis.** (1) Long-term feasibility of reclaimed water generation, distribution, and use. A feasibility analysis must demonstrate that the generator has the long-term technical, management, legal, and financial capacity to design, construct, operate, and maintain the reclaimed water facility, and that distribution and end uses are feasible. The feasibility analysis, including any of the relevant planning documents, must be submitted to the lead agency for review and approval. The purpose of the feasibility analysis is to ensure that resources are sufficient to provide public health and environmental protection for a planning period of twenty years. Guidance on developing the feasibility analysis is available in the *Reclaimed Water Facility Manual* (purple book).

(a) Entities proposing new reclaimed water projects must notify the lead agency early in the project-planning phase to determine the scope of the required feasibility analysis.

(b) Entities with existing reclaimed water permits, proposing to modify their facilities or operations, must consult with the lead agency to determine what, if any, additional feasibility information needs to be submitted and approved.

(c) The feasibility analysis must include the following content along with any other relevant data required to fully demonstrate the feasibility of the proposed project and as may be required by the rules of the lead or nonlead agency:

(i) Explanation of who will own, operate, and maintain the reclaimed water facility.

(ii) For a planning period of twenty years, projected capital and operational costs, in terms of total annual cost and present worth, and projected revenues from user fees and other sources, if applicable.

(iii) Estimate of the annual or seasonal volumes of wastewater required and available and proposed production rate of reclaimed water.

(iv) Description of the proposed level of reclaimed water quality the project will generate, along with general descriptions of the treatment systems and reliability features used by the proposed facility. The project proponent must demonstrate that the proposed facility concept is capable of meeting and ensuring the minimum requirements for water quality, treatment, and reliability for the proposed uses.

(v) Description of plans for alternative use, storage, or release of any reclaimed water or inadequately treated water.

(vi) Initial assessment of potential water quality and quantity impairments and potential strategies to prevent, compensate, and/or mitigate for such impairments.

(vii) List of all potable water suppliers that provide water to the reclaimed water generation, storage, and distribution facilities in addition to proposed reclaimed water use areas. Describe proposed methods to coordinate with potable water suppliers on reclaimed water service including cross connection prevention actions in design and operation of the reclaimed water system. Results of coordination with the listed potable water suppliers must be included in the engineering report under WAC 173-219-210 (2) (f).

(viii) Description of the contingency plan for both temporary and permanent reversion to domestic wastewater facilities and alternative water supply systems where applicable, if reclaimed water production is discontinued. Include the impact of increased demand to water purveyors.

(ix) A brief description of the community outreach and public involvement conducted or planned to be conducted, as feasibility is determined, to demonstrate awareness of and community support for the reclaimed water project.

(x) Identification of existing or proposed interlocal or inter-agency agreements related to reclaimed water, if any, with local governments or local potable water suppliers within the area of existing or proposed distribution and use of reclaimed water.

(xi) Statement of compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), when applicable.

(2) Coordination under other state and local planning. The use of reclaimed water must be considered and coordinated under other planning requirements in state law as well as local codes and ordinances. Relevant planning documents produced under other planning requirements or a list and summary of recommendations related to reclaimed water in such documents may be submitted to meet all or part of the submittal requirements of this section. Documents approved for other purposes may require amendments or the lead agency may require supplemental information to fulfill the requirements of this section. Such planning documents include, but are not limited to, those listed in RCW 90.48.112 and 90.46.120.

(3) Demonstration of private utility capacity. In addition to subsections (1) and (2) of this section, the lead agency may require a private utility to submit adequate information to demonstrate that the private utility has capacity to design, construct, operate, and maintain the reclaimed water facility and that distribution and end uses are feasible. Such information includes, but is not limited to:

(a) A description of the proposed reclaimed water facility and its proposed customers.

(b) A description of the technical, managerial, administrative, operational, legal, and financial capacity of the entity to comply with chapter 90.46 RCW and this chapter.

(c) A description of other requirements, if a private utility is considered a private wastewater company under chapter 80.04 or 36.94 RCW.

(d) Demonstration of ability of the entity to hire and retain certified operators who will be directly responsible for achieving effective and reliable routine operations.

(e) A list of all subcontracted services such as engineering, legal, and accounting.

(f) With the consent of the lead agency, a private utility may establish adequate management capacity by entering into a management agreement with a municipal, quasi-municipal, or other governmental entity acceptable to the lead agency to serve as the primary management entity or as a third-party guarantor. The management agreement must be binding on both parties and remain in force until the lead agency determines that the private utility has the technical, managerial, and financial capacity to act as the generator, or until the private utility enters into a management agreement with another municipal, quasi-municipal, or other governmental entity.

[Statutory Authority: RCW 90.46.015. WSR 18-03-166 (Order 06-12), § 173-219-180, filed 1/23/18, effective 2/23/18.]