

## COUNCIL STUDY SESSION MINUTES

January 3, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 3rd day of January, 2012, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers, Gallagher, Griffith, Lockett, Spaulding, and Mayor Pro Tem Dillingham

ABSENT: Councilmembers Ezzell, Kovach, Quinn, and Mayor Rosenthal

DISCUSSION REGARDING RECENT LEGISLATION THAT ALLOWS MUNICIPALITIES TO ENACT ORDINANCES REGULATING THE USE OF GRAY WATER (UNTREATED HOUSEHOLD WASTEWATER THAT HAS NOT COME IN CONTACT WITH TOILET WASTE) WITHIN THE LIMITS OF THEIR MUNICIPAL BOUNDARIES.

Mr. Ken Komiske, Director of Utilities, said tonight's discussion will be an introduction to gray water. He said House Bill 1575 regarding gray water was sponsored by Representative Scott Martin, and Senator Susan Paddock and became effective November 1, 2011.

Mr. Komiske said Section 1, Part A, of House Bill 1575 defines gray water as untreated household wastewater that has not come in contact with toilet waste and includes wastewater from bathtubs, showers, washbasins, clothes washing machines and laundry tubs, and untreated municipal wastewater limited to wastewater captured from municipal splash pads as well as water used by Fire Departments for cleaning equipment and vehicles. It does not include wastewater from kitchen sinks, kitchen dishwashers or laundry water from the washing of material soiled with human excreta, such as diapers. He said Section 1, Part B, states gray water shall only apply in municipalities enacting ordinances regulating the use of gray water within the limits of their municipal boundaries; therefore, if a municipality does not have an ordinance allowing the use of gray water then the State will not allow the use of gray water. Mr. Komiske said for that reason the Oklahoma Department of Environmental Quality (ODEQ) will leave it up to the local municipalities to regulate and enforce any violations of a local ordinance concerning gray water.

Staff researched several out of state municipalities to include Arizona, California, Colorado, Connecticut, Massachusetts, Montana, Nevada, New Mexico, New York, Texas, Washington, and Wyoming. The following gray water conditions/regulations were incorporated in nearly all of gray water ordinance(s) reviewed:

- The system is constructed so that gray water can be directed into the sewage collection system or septic tank if blockage, plugging, or backup occurs;
- A storage tank for gray water is not required, but if a storage tank is present it must be covered;
- The gray water system can not be located in a floodway;
- Must have a five (5) foot vertical separation from top of ground to groundwater table;
- Pressure piping must be identified as non-potable so it can not be mistaken for drinking water;
- Gray water can not run off property; can only be residential property, no commercial; and
- Minimize the potential for contact with people or pets; no ponding, spraying, or discharge to a watercourse is permitted; gray water can be disbursed by drip sub-surface and/or trench irrigation.

Mr. Komiske said if Council chooses to proceed with a gray water ordinance the conditions/regulations can be tweaked to be less or more stringent depending on Council's desires. He said all ordinances researched did not allow the gray water to run off the property.

Some of the ordinances allowed residents to apply up to 400 gallons of gray water per day for household gardening, composting, or landscape irrigation, but Staff recommends 250 gallons per day or less before a permit is required. He said the application equivalent is one inch of water over a 20 x 20 area or one inch of water over an eight foot strip area that is 50 foot long and provided the following scenarios for typical household washing machines:

- Top load washing machine uses up to 40 gallons per load; therefore, 250 gallons/40 gallons per load = six (6) loads per day.
- Front load washing machine uses about 25 gallons per load; therefore, 250 gallons/25 gallons per load = ten (10) loads per day.

Mr. Komiske said a gray water ordinance can also include a disclaimer stating the practice should be taken earnestly and done correctly. He said the disclaimer could state gray water may contain fats, oils, grease, hair, lint, soaps, cleansers, fabric softeners and other chemicals, from bath water and/or laundry water. Additionally, gray water may have elevated levels of chlorides, sodium and sulfates and have a high pH (alkaline) that may be harmful to some plants such as acidic loving plants, but in general research has shown that native plants, desert-adaptive plants, and drought-tolerant plants do better with gray water irrigation.

Mr. Komiske said if Council chooses to move forward with a gray water ordinance, Staff can develop a proposed ordinance for Council consideration that will address all or some of the researched conditions/regulation that residents would need to meet. He said the ordinance would follow much of the storm water and/or erosion control criteria and would be done on a complaint basis, i.e., a citizen contacts the City because their neighbor has water running across the street, etc. Mr. Komiske said if residents do not obtain a gray water permit and/or violate the gray water ordinance they can be issued a fine.

Councilmember Griffith said he would love to see a gray water ordinance come forward and wondered if parameters for retrofitting would be included in the ordinance. Mr. Komiske said gray water distribution can be retrofitted, but felt the easiest would be to take it from a washing machine, i.e., rather than running the gray water to the washing machine basin/drain to instead have a valve installed to discharge the gray water out of the house along the foundation. He said it will only be approximately 40 gallons of gray water but it will allow the opportunity to use gray water instead of potable water for landscaping irrigation.

Mayor Pro Tem Dillingham liked this type of legislation since it is voluntary and citizen(s) can choose to implement gray water distribution on their property as long as they follow the regulations. Councilmember Gallagher like the concept of a gray water ordinance but has questions about the details and possible next steps for bigger solutions regarding water conservation. Mr. Komiske said thoughts about taking the gray water process "to the next level" are admirable, but this is merely the first "baby" step. He said hopefully a gray water *re-use* system or process will be available in the future, but that is not the direction at this time. Mr. Komiske said the definition of gray water in House Bill 1575 states "...a permit is not required to apply less than 250 gallons per day of private residential gray water for the resident's household gardening...". He said the current gray water issue is not intended to be a re-use system but simply a process that will allow gray water to be used only for household gardening, composting, or landscape irrigation. He said this may not be for everyone, but those citizens who have the interest to use gray water for personal landscape irrigation can not because it is illegal and a gray water ordinance will allow them to do so.

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Mayor Pro Tem Dillingham said a gray water ordinance is purely voluntary, not mandatory, and the City can only go as far as the State legislature has authorized. Mr. Komiske said the gray water ordinance is a sub-section of a possible future re-use process and Staff has been working with ODEQ for over a year to get gray water re-use regulations. He said ODEQ will permit and regulate gray water re-use when the time comes, but they are not permitting and regulating the application of 250 gallons or less of gray water for personal irrigation purposes. He said great strides have been made working with ODEQ to get categories of re-use and the issue will be going to the legislature this year for their consideration.

Councilmember Lockett felt a gray water ordinance would be a tremendous tool for Norman citizens to get used to the idea of using gray water on a small scale for irrigation purposes and will be a huge educational step for the City. Councilmember Spaulding said he would like to move forward with a gray water ordinance and Council agreed. Mayor Pro Tem Dillingham requested Staff draft a proposed ordinance and bring back to a Council study session for Council consideration.

Items submitted for the record

1. PowerPoint Presentation entitled, " Gray Water, Norman Utilities Authority"

The meeting adjourned at 6:08 p.m.

ATTEST:

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City Clerk

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Mayor