

**WATER RECLAMATION AND REUSE REGULATION (9VAC25-740)  
REGULATORY ADVISORY PANEL (RAP)**

**FINAL MEETING NOTES  
RAP MEETING – THURSDAY, APRIL 21, 2011  
DEQ PIEDMONT REGIONAL OFFICE TRAINING ROOM**

**Meeting Attendees**

<i>RAP MEMBERS</i>	<i>INTERESTED PUBLIC</i>	<i>TECHNICAL SUPPORT</i>
Robert (Bob) W. Angelotti – Upper Occoquan Service Authority	Douglas (Doug) W. Fredericks - Atkins	Melanie Davenport - DEQ
Lawrence (Larry) A. Dame – New Kent County	Vernon Land – City of Suffolk	Angela Neilan - DEQ
Marcia Degen – VDH (Technical Support) – Alternate for Wesley J. Kleene	Cliff Parker – Aqua Virginia	William (Bill) Norris - DEQ
Gregory (Greg) K. Evanylo – Virginia Tech (Technical Expert)	Kevin M. Parker – Hampton Roads Sanitation District	Valerie Rourke - DEQ
Thomas (Tom) J. Grizzard, Jr. – Virginia Tech and Upper Occoquan Laboratory	Jim Sizemore – Alexandria Sanitation Authority	Timothy (Tim) Sexton - DCR
Jeff Hancock – Williamsburg Environmental Group, Inc.	Craig Ziesemer – Hampton Roads Planning District Commission – City of Suffolk	
Eldon James – Rappahannock River Basin Commission		
Peter McDonough - VA Golf Course Superintendent's Association		
Karen Pallansch – Alexandria Sanitation Authority & VAMWA		
Jim Pletl – Hampton Roads Sanitation District		
Gregory (Greg) J. Prelewicz – Fairfax Water		
Brooks Smith – Virginia Manufacturers Association		
Eric Tucker – Hampton Roads Planning District Commission – City of Norfolk		
Cabell Vest – Virginia Association of Municipal Wastewater Agencies, Inc. – Alternate for Robert C. Steidel		

NOTE: The following REUSE RAP Members were absent from the meeting: Leita S. Bennett – VA AWWA; Wesley J. Kleene – VDH; T. Britt McMillian – Malcolm Pirnie; Robert C. Steidel – Virginia Association of Municipal Wastewater Agencies, Inc.; & Wilmer N. Stoneman – Virginia Farm Bureau

**1. Welcome & Introductions (Bill Norris & Melanie Davenport):**

Bill Norris, Regulation Writer with the DEQ Office of Regulatory Affairs welcomed all of the meeting participants and introduced Melanie Davenport, DEQ’s new Water Division Director. Ms. Davenport welcomed the members of the RAP and the Interested Public to the meeting and thanked them for their

interest in this process and their willingness to assist the department in the development of these regulatory amendments. Mr. Norris reviewed the Regulatory Advisory Panel Guidelines that were distributed at the start of the meeting. He noted the following:

- Amendments to the Water Reclamation and Reuse Regulation (9VAC25-740 et seq.) are needed primarily to address issues that would improve the Board's ability to effectively promote and encourage the reclamation and reuse of wastewater in a manner protective of the environment and public health.
- The creation of a RAP is the creation of a public body. RAP meetings are open to the public, and are subject to the provisions of the Virginia Freedom of Information Act. Meeting notes are taken and are posted on the Virginia Regulatory Townhall website.
- All meetings of the RAP are public meetings. The Freedom of Information Act requires that minutes/notes of each Regulatory Advisory Panel meeting be prepared. A draft of these minutes/notes must be posted within 10 days after the meeting with a final posted within 3 days of approval of the minutes by the RAP members.
- The purpose of the members of the RAP is to assist in the development of proposals to address needed amendments to the regulations under consideration. The RAP has been formed to help the Department balance the concerns of all those interested in these regulations. All such concerns will be addressed by the RAP, and any member of the RAP is free to advance any opinion.
- The role of the RAP is advisory only. The primary responsibility is to collaboratively contribute to the development of amendments as outlined in the NOIRA and that are in the best interests of the Commonwealth as a whole.
- The goal is to reach a consensus on how best to address changes to the regulations that will be protective of human health and the environment.
- The agency is considering the changes to the existing regulation which are outlined in the Notice of Intended Regulatory Action (NOIRA) (TH-01).
- Consensus is defined as a willingness of each member of the RAP to be able to say that he or she can live with the decisions reached and recommendations made and will not actively work against them outside of the process.
- Because RAP meetings are public meetings, any member of the public may attend and observe the proceedings. However, only RAP members have a seat at the table and participate actively in discussions. Those persons not on the RAP are encouraged to work with and through the RAP members that have common interests to ensure that their concerns are heard. Those persons not on the RAP also have an opportunity to be heard during the public comment period at the end of the meeting. Members of the public may also be asked to contribute during the course of the meeting if a RAP member wishes to hear pertinent information from a particular sector not represented on the RAP.
- As currently scheduled, the RAP will meet for a total of four meetings (Thursday, April 21<sup>st</sup>; Monday, May 2<sup>nd</sup>; Thursday, June 2<sup>nd</sup>; and Thursday, July 7<sup>th</sup>).

He reminded the group that we have an ambitious task ahead of us. He noted that there is a very short time frame to put this amended regulation together.

He asked for introductions from RAP members and "Interested Parties" at today's meeting. He asked that any needed corrections to the distributed RAP member list be sent to him for incorporation into the

contact list.

## **2. Committee and Report Studying Expansion of Water Reuse and Reduction of Surface Water Discharges (Bill Norris):**

Bill Norris reviewed a letter received from Delegate Harvey Morgan and noted the following:

- The letter from Delegate Morgan was directed to both the Virginia Department of Health and to the Virginia Department of Environmental Quality.
- “At the recommendation of the Committee on Agriculture, Chesapeake, and Natural Resources (ACNR), I write to request that jointly you explore opportunities to expand the reuse of wastewater with the goal of both conservation and reducing nutrient pollution of the surface waters of the Commonwealth. In doing so, I encourage you to establish an appropriate committee of stakeholders to identify potential opportunities. The review should examine practices in other states such as Florida and Georgia that have developed policies and programs to reduce surface water discharges through beneficial reuse of wastewater. Hopefully, the successful application of your findings can also assist in meeting Virginia Chesapeake Bay obligations.”
- “Following deliberations, please prepare a report identifying statutory and regulatory changes, including potential incentives to reduce wastewater discharge to surface water. I ask that you submit this report to me by October 1, 2011, as well as a copy to Senator Stuart, the patron of SB 1056”
- “The study can further the opportunity to employ reuse as a means of reducing pressure on other sectors to meet Virginia Chesapeake Bay obligations.”

Mr. Norris noted that this would be handled in a parallel track with the current development of amendments to the existing regulations. The goal is to complete work on the regulation amendments and then shift the focus to address Delegate Morgan’s request. During the RAP’s discussions of the regulatory amendments items that come up that would be better suited for inclusion in the response to Delegate Morgan’s request will be noted by staff and recorded for in-depth discussions by the RAP following completion of the work on the regulatory amendments identified in the NOIRA. He noted for example that the topic of nutrients and nutrient pollution is likely to come up during the course of discussions on the proposed amendments, but that any in-depth discussions of this or similar topics would have to wait until completion of the proposed amendments. He also noted that members of the current RAP will be asked whether they want to participate in that follow-up activity. In addition, other interest groups that might have something to offer during those discussions would be invited to participate.

## **3. Amendments Contained in the NOIRA (Valerie Rourke):**

Valerie Rourke provided an overview of the proposed amendments that were contained in the NOIRA for the Amendment of the Water Reclamation and Reuse Regulation to promote enhanced program implementation. She noted that there were 22 specific amendments proposed and others may be considered. The NOIRA was published on 01/03/2011 with a comment period that closed on 02/14/2011, during which time the DEQ received 6 comments from 2 persons. She presented the

following information to the RAP on the 22 proposed amendments that were included in the NOIRA:

- Amendment #1: Add provisions to allow design or operational deviations for facilities still capable of producing or distributing reclaimed water in a manner protective of the environment and public health.
  - Basis: Applicants/permittees have requested exceptions to design or operational requirements of the regulation, but DEQ was unable to grant such exceptions or variances without the authority established in law or regulation.
- Amendment #2: Add provisions for an emergency authorization to reclaim and reuse wastewater without a permit during periods of significant drought.
  - Basis: VPDES permittee requested temporary emergency authorization to reuse reclaimed water during a severe drought without permit coverage. DEQ does not currently have the authority established in regulation to allow this.
- Amendment #3: Add a requirement for an auxiliary or backup plan for conjunctive wastewater treatment works and reclamation systems that rely primarily or completely on water reuse for elimination of wastewater.
  - Basis: Needed to ensure combined wastewater treatment facilities and reclamation systems that (a) have no or limited options to manage wastewater other than water reclamation and reuse, and (b) rely mostly on one or two major end users to take the majority of the reclaimed water, will have an auxiliary or backup plan to manage unused reclaimed water.
- Amendment #4: Modify and add requirements to manage pollutants of concern from significant industrial users (SIUs) for reclamation systems and satellite reclamation systems that will produce Level 1 reclaimed water, and for reclamation systems that are part of an indirect potable reuse (IPR) project.
  - Basis: Needed to clarify and simplify requirements to manage pollutants of concern from SIUs for reclamation systems, and to provide similar but less comprehensive requirements for satellite reclamation systems also affected by pollutants of concern from SIUs. Also necessary to provide an additional barrier for the protection of public health where reclaimed water is produced for IPR.
- Amendment #5: Add standards for UV disinfection to Level 1 and Level 2 reclaimed water standards with associated monitoring requirements.
  - Basis: Some of these standards are already used by DEQ, and would not change UV disinfection requirements for reclaimed water.
- Amendment #6: Add or modify several terms and their associated definitions related to the use of these terms within the context of the regulation.

- Basis: Needed to reduce confusion or to provide new information regarding existing or proposed terms used in the regulation.
- Amendment #7: Modify language to clarify service agreement or contract requirements for end users of reclaimed water, and alternative permitting options for reclaimed water distribution systems.
  - Basis: Needed to (a) clarify vague or confusing language and requirements pertaining to service agreements or contracts between providers of reclaimed water and end users, and (b) allow DEQ to issue a permit to reclaimed water distribution systems on a case-by-case basis under specific distribution system ownership and end user circumstances.
- Amendment #8: Modify activities excluded from the requirements of the regulation related to alternative onsite sewage systems (AOSSs) permitted by the Virginia Department of Health, utilization of harvested rainwater and storm water, and intentional indirect reuse of reclaimed water.
  - Basis: Needed to address or clarify the applicability of the regulation to VDH permitted AOSSs, reuse of harvested rainwater, reclamation & reuse of reclaimed water proposed after the effective date of the amendment.
  - ***RAP Comment: What would be an example of “intentional indirect reuse of reclaimed water”? An example might be a Golf Course that has its own wastewater treatment system and chooses to deliberately discharge into a stream that feeds a pond used for irrigation rather than discharge downstream of the pond.***
- Amendment #9: Add the Water Withdrawal Reporting Regulation (9VAC25-200) to the list of other Board regulations with which the Water Reclamation and Reuse Regulation has a relationship.
  - Basis: Needed to explain the relationship between the Water Reclamation and Reuse Regulation and the Water Withdrawal Reporting Regulation. Would not add any new regulatory requirements.
- Amendment #10: Modify the point of compliance (POC) for reclaimed water standards to include POCs for certain system storage facilities and reclaimed water distribution systems and satellite reclamation systems.
  - Basis: Needed to verify that reclaimed water following specific system storage conditions and in reclaimed water distribution systems prior to delivery to end users, would continue to meet applicable standards.
- Amendment #11: Add reclaimed water monitoring requirements for system storage that is either seasonal or greater than 24 hours with exceptions.
  - Basis: Needed to address reclaimed water degradation during longer term storage to

ensure environmental and public health protection.

- Amendment #12: Add reclaimed water monitoring to maintenance requirements for reclaimed water distribution systems included in the Reclaimed Water Management Plan.
  - Basis: Needed to address reclaimed water degradation within the reclaimed water distribution system to ensure environmental and public health protection.
- Amendment #13: Modify reuses listed in regulation to include “irrigation to establish erosion control” and move “ship ballast” to industrial reuses requiring a minimum Level 1 reclaimed water.
  - Basis: Needed to expand the list of approved reuses not requiring case-by-case approval by the DEQ and to make the minimum standard requirements for ship ballast reuse, which may involve a subsequent discharge, comparable to US Coast Guard proposed standards for ship ballast discharges within US waters.
  - ***RAP Comment: Would you also consider including the use of reclaimed water for dust suppression as a reuse category? Dust control is a listed reuse in the regulation.***
- Amendment #14: Modify the description of unlisted reuses and add all reuses of reclaimed industrial wastewater that will require reclaimed water standards and monitoring requirements developed on a case-by-case basis.
  - Basis: Needed to expand the types of unlisted reuses of reclaimed water that may be approved by DEQ, and to clarify that the same process would be used to approve any reuse of reclaimed industrial wastewater.
- Amendment #15: Add permit application, design, construction, and operation requirements that are specific to indirect potable reuse (IPR) projects.
  - Basis: Needed to clarify the minimum information required by DEQ to review IPR projects.
- Amendment #16: Add a provision that allows reclaimed water agents to inspect end users’ reuses and storage facilities as part of the service agreement or contract between the reclaimed water agent and an end user.
  - Basis: Although DEQ may inspect reuses and storage facilities of an end user, most end users will not be issued a permit by or have a relationship with DEQ. This amendment provides reclaimed water agents the authority to inspect reuses and storage facilities of end users with whom they have a service agreement or contract.
- Amendment #17: Add a requirement to place valves and outlets on reclaimed water distribution system pipelines that allow access or isolation of pipe sections for maintenance activities.

- Basis: Needed to allow greater access or isolation of reclaimed water distribution system sections to perform required maintenance.
- Amendment #18: Modify cross-connection and backflow prevention requirements for reclaimed water distribution systems to be consistent with regulations of other state agencies (e.g., DHCD – Uniform Statewide Building Code).
  - Basis: Needed to correct language that, according to the DHCD, is incorrect or inconsistent with the Uniform Statewide Building Code. No new requirements.
- Amendment #19: Clarify that the requirement for reclaimed water distribution systems to maintain reclaimed water standards for intended reuses does not apply to Corrective Action Thresholds (CATs), which are operational standards for only reclamation systems and satellite reclamation systems.
  - Basis: Needed to eliminate unnecessary and confusing monitoring requirements for reclaimed water distribution systems.
- Amendment #20: Modify Class I reliability requirements for level 1 reclamation systems and satellite reclamation systems to include associated pump stations not addressed by the Sewage Collection and Treatment Regulations (9VAC25-790).
  - Basis: Needed to ensure that all components of Level 1 reclamation systems, including pump stations, will perform reliably or will initiate other contingencies in the event of power failure or other disruption at the facility.
- Amendment #21: Add requirement prohibiting application of reclaimed water during winds that would cause overspray or aerosol drift from the application of reclaimed water, such as for irrigation. This proposed provision is consistent with the prohibition of reclaimed water runoff from irrigation sites currently in the regulation.
  - Basis: Needed to avoid potential adverse environmental and public health impacts that may be associated with overspray or aerosol drift from the application of reclaimed water, such as for irrigation. This proposed provision is consistent with the prohibition of reclaimed water runoff from irrigation sites currently in the regulation.
- Amendment #22: Make minor changes to: Clarify or make more specific the language of the regulation; eliminate redundancy; relate separate sections or subdivisions of the regulation; and correct grammatical and typographical errors.
  - Basis: Needed to ensure consistency with Virginia Register style guidelines for regulations, and to improve readability.
- Other amendments may be considered: In response to comments on the NOIRA; per discussions of the RAP; May include changes to the Fees for Permits and Certificates regulation if recommended by the RAP.

- Per the NOIRA:
  - DEQ to study possible reuse of reclaimed water for groundwater recharge. DEQ has studied the issue and findings of the study are currently under review by program management.
  - Findings of study are to be discussed with the RAP at a future RAP meeting.
  - DEQ seeking input from the RAP, which may result in additional amendments to regulation.

#### **4. Input from the RAP – Other Amendments (RAP Members and Angela Neilan):**

Staff asked the RAP members for their ideas and input on amendments other than and in addition to amendments described in the NOIRA for possible consideration during this process. The RAP was informed that staff will try to incorporate any proposed additional amendments into the process but that the primary focus would be on addressing those amendments identified in the NOIRA. Staff asked that any suggestions offered after today's meeting must be sent directly to Bill Norris via email for distribution and consideration at a future meeting. Additional items of interest and other possible amendments suggested by the RAP included the following:

- This may be addressed in guidance but public notice requirements are needed for VPDES permit administrative authorizations.
- Input from the prior TAC may not have been considered and inserted into the final regulation. (These previous items should be reviewed and considered for possible inclusion in this process.)
- Nutrients in general are still an issue, including application rates; plant water needs, etc.
- In trying to retrofit a golf course the storage requirement to retain 25 year/24 hour storm event is a killer, the tightness of the regulation is a killer. There needs to be more flexibility.
- The contract requirements are also of concern. With the current requirements we have to take a contract that is dictated by DEQ through multiple attorneys to get a consensus. This process takes too much time. In the end, things are agreed to that they are not sure can be met. Whenever you have multiple attorneys and multiple sets of technical personnel involved they will not come to agreement. Still not very comfortable with the contract requirements.
- The non-system storage requirements are a concern.
- Need to also consider the issues related to inter-basin transfer.
- The storage requirements are a concern for a lot of end users.
- There is a need to educate the planning districts and local officials to raise the awareness of reuse and so they can get used to the idea of water reuse.
- The DEQ's tiered system for consideration and discussion of "significant" amendments was discussed. The idea will be that any additional amendments other than those currently on the significant amendment list will be considered and recommendations sought from the RAP as to which of the additional amendments should be addressed during this regulatory action (which tiers they might fall in) and which ones are better addressed in the report to be developed for Delegate Morgan.
- The need to actively coordinate the actions of this regulatory advisory panel with water supply planning activities was stressed. There is another advisory group looking at water supply issues. Their efforts should be coordinated with the recommendations of this group. There are potential



inconsistencies with the water withdrawal regulations especially for industrial consumptive reuse regulations in the water reuse regulations.

- Agree that it is currently hard to integrate reclaimed water use to the water withdrawal permit process. It is not a clear or streamlined process when there is a groundwater withdrawal permit involved.
- VDH and DEQ must work together when you are dealing with putting effluent in the ground or on the ground. There may be spray or drift. Coordination is needed. The question of navigating those different regulatory systems and requirements needs to be thought out and identified.
- What level of reuse treatment determines if it is a sanitary overflow if there is break in the line? What are the requirements if there is a break in a line? This would be an internal distribution line in the system.
- When the levels of treatment were discussed, how were those levels selected? Were that risk based or some other process? If not risk based, it might be helpful to consider taking the program forward using a risk based approach. This type of approach may be more palatable to the public. There needs to be a more science based approach.
- The storage issue needs to be resolved.
- Everybody has their hands tied with the current regulation. It has been stated that it is easier to just ship it to the Bay than considering reuse in some cases. We need to make it easier. The issues of the contract requirements; the issues with offsite storage; signage requirements are difficult to deal with; requiring that all the sprinkler heads on a golf course to be purple is a difficult requirement. There needs to be reality based.
- The regulations need to take into account that if it is better to reuse or recycle, then we need to make the regulation easier. We need to be promoting reuse.
- There is a need for education on the benefits of reuse to the public; the local officials, etc.
- We need to balance the requirements for minimum instream flow and water reuse.
- There should also be some recognition for the differences in Virginia's topography and climatic conditions. A one size fits all approach is difficult.
- The "reuse of reclaimed water" is redundant. It should be the "use of reclaimed water" or the "reuse of water".
- Need to use what we have learned from the biosolids program regarding public education on trying to make something that is a waste into a benefit.
- The question of overspray and drift was brought up. It was noted that the design of an irrigation system can alleviate those types of concerns.

##### **5. List of Significant Amendments to the Water Reclamation and Reuse regulation (Valerie Rourke):**

Valerie Rourke provided a brief overview of the list of significant amendments that had been distributed to the RAP prior to the meeting. This list included the following:

- Tier I:
  - Intentional indirect reuse
  - Prohibition on reclaimed water reuse inside domestic dwellings
  - Ultraviolet disinfection requirements for Level 1 and Level 2
  - Monitoring and points of compliance (POCs) for specific system storage facilities and reclaimed water distribution systems

- Auxiliary or backup plan to manage wastewater
  - Design requirements for reclaimed water distribution systems to ensure proper maintenance
  - Reliability Class I for pump stations that are part of Level 1 reclamation systems and satellite reclamation systems (SRSs).
- Tier II:
    - Emergency authorization for the production, distribution or reuse of reclaimed water
    - Management of pollutants from significant industrial users
- Tier III:
    - Indirect potable reuse
    - Groundwater recharge (aquifer storage and recovery)

She noted that items on this list were anticipated by staff to likely require more in depth discussion to reach consensus. For the next meeting, the proposed language for Tier I items will be added to the version of the regulation that was distributed, entitled “Language of Minor Amendments to the Water Reclamation and Reuse Regulation (9VAC25-740)”, and new language will be highlighted to distinguish it from amendments already discussed in the first RAP meeting. Similarly, proposed language for Tier II and III items will be added to the document for the third RAP meeting.

She emphasized that this proposed language is not set in stone. This is being presented to the RAP as a “straw man” for discussion and consideration by the RAP. This is just a platform for the advisory group to work from.

Staff asked the RAP to offer solutions when discussing issues with the proposed amendments.

***RAP Comment: Could the next version of the regulation have a Table of Contents to make it easier to find things?***

**ACTION ITEM: Staff will work on the development of the next version of the proposed amendments including a “table of contents”.**

## **6. Language of Minor Amendments to the Water Reclamation and Reuse Regulation (RAP Members and Technical Support and Program Staff):**

The Program Staff and members of the RAP initiated their discussions of the proposed amendments. These discussions included the following:

- 9VAC26-740-10. Definitions:
  - “Conjunctive system” means a system consisting of a wastewater treatment works and reclamation having no or minimal separation of treatment processes between the treatment works and the reclamation system.
    - ***RAP Comment: What is the point of this definition? What is a non-conjunctive system?***
  - “Design flow” means the capacity at which a treatment works is designed to reliably

treat an average 24-hour influent flow rate, 365 days a year with appropriate peak factors provided to meet applicable reliability and redundancy requirements. The average 24-hour influent flow rate shall be based on projected estimates of influent flow to be received by the treatment works at full build out.

- ***RAP Comment: The definition is confusing and uses both “peak” and “average” flow in the same sentence. This needs to be clarified. The definition addresses 365 days a year, but there are instances where systems don’t operate year round. A 30-day average might need to be considered. Need to know how it’s used in the regulation to be able to rework the definition to fit real world cases. This could impact system storage requirements and may affect facilities that only discharge in wet weather. The definition need to consider looking at the actual number of days that a facility is in operation if it doesn’t operate 365 days a year. The averaging period is the question. It was suggested that that the 365 day requirement may be in conflict with the VPDES requirements for a 30 day average. There may be an issue related to “wet weather discharge”.***
- “Designated design flow” means the design flow of a reclamation system that may be some percentage of or equal to the design flow of a treatment works providing wastewater or partially treated wastewater to the reclamation system to produce reclaimed water. Staff noted that this definition is included to serve as a point to identify what “design flow” has been designated for monitoring requirements.
- “Indirect potable reuse” or “IPR”.
  - ***RAP Comment: It was noted that since the regulation is now looking at the possible inclusion of groundwater recharge and the existing definition of IPR only addresses surface water that this definition will need to be revised to include a groundwater component. Staff indicated that any change to the definition of IPR is pending the RAP’s input on DEQ’s study and findings regarding groundwater recharge with reclaimed water.***
- 9VAC25-740-20. Purpose. Staff noted that there were no amendments proposed for this section.
- 9VAC25-740-30. Applicability and transition. Staff noted that the changes proposed for this section are amendments related to groundwater recharge. These amendments will be addressed during the “Tier III” discussion in subsequent meetings.
- 9VAC25-740-40. Permitting requirements.
  - ***RAP Comment: The new language in D related to a requirement for a service agreement or contract raises some concerns. Could it be revised to include an option that would allow a municipality or local government to have an ordinance rather than a service agreement or a contract? There are multiple legal issues that have to be dealt with whenever a contract or service agreement has to be negotiated or changed. Why can’t a local ordinance approved by the state be used in lieu of a service agreement or contract? Currently contract are required as part of the Reclaimed Water Management Plan. There needs to be more flexibility. The use of a local ordinance should be included as an option.***
- 9VAC25-740-55. Variances. Staff noted that this is the new language to include a provision for variances. This language is very similar to that included in the Sewage Treatment

regulations.

- **RAP Comment: Will DEQ guidance be expanded to discuss how this would be applied? It would be helpful if there could be some examples of instances where a variance would be considered or granted. The language appears to be very broadly written.**
- 9VAC25-740-60. Relationship to other board regulations. No comments.
- Part II
  - **RAP Comment: The title of Part II should be changed to reflect the addition of “treatment” in section 70. The title should be : “Reclaimed Water Treatment, Standards, Monitoring Requirements and Reuses”**
- 9VAC25-740-70. Treatment and standards for reclaimed water.
  - **RAP Comment: TSS in Table 70-A should be spelled out as Total Suspended Solids to be consistent with the other terms with acronyms in the table.**
  - **RAP Comment: It might be useful to have the Level 1 and the Level 2 treatment and standards listed side-by-side in the table.**
- 9VAC25-740-80. Staff noted that nothing much of substance was changed. A lot of material was rearranged. No Comments from RAP.
- 9VAC25-740-90. Minimum standard requirements for reuses of reclaimed water. Staff noted that the strike through of non-residential in Table 90-A will be discussed later. Staff noted that we have added the use of irrigation to establish vegetative erosion control to the construction reuse category and have moved ship ballast to industrial reuses requiring Level 1 reclaimed water.
  - **RAP Comments: Discussed the use of irrigation for E&S and the transition to other irrigation if irrigation goes beyond the establishment of vegetative erosion control. Concerns were noted over the length of time to establish the vegetation. It was noted that some localities have different time frames to show completion. Some require proof of completion, i.e., continued vitality of cover after a year. It was suggested that the ‘establishment of vegetative cover’ should be added to irrigation listing. Some confusion was noted over footnote ‘d’ – related to prohibitions on dairy cows, but was subsequently identified as an awkward arrangement of subdivisions required by the Virginia Register style guidelines.**
- 9VAC25-740-100. Application for permit. Staff noted that changes in this section include adding the amendment that was in the NOIRA, giving reclaimed water agents the ability to inspect their end users’ reuses and storage facilities. This amendment actually requires the permittee to reserve the right to inspect in the agreement. Language was also added that allows the addition of new reuses in the original Reclaimed Water Management plan.
  - **RAP Comment: This could be problematic and could be a potential barrier. Could we modify or qualify this requirement? Could this be revised to be “complaint driven”? A concern was raised as to this language being mandatory. It was suggested that the requirements identified in RWM plan might be better changed to “may” instead of “shall”. The service agreement should specify when and how an inspection would occur. Require the end user to provide a third party certification or demonstrate compliance. The RAP suggested that the wording should remain as proposed, i.e., leave “shall”. It is permission to inspect the “reuse” only. Third party certification may be problematic as it would require a certification program to be set up, likely by DEQ.**

- Staff asked for the RAP to think about this item and submit their suggestions to Bill Norris and that it will be discussed at the next meeting of the RAP.

**ACTION ITEM: Staff will move the discussion of inspection of facilities into the “significant amendments discussions.”**

- ***RAP Comment: The proposed changes allow the addition of new end users and uses without having to modify the permit. It requires amendment of the RWM plan. There may be an issue with new end uses that are not public noticed that may impact a downstream user (consumptive vs. non-consumptive). A concern over the lack of public notice was raised.***
- 9VAC25-740-105. Application for an emergency authorization – To be discussed during “significant amendments” discussions.
- 9VAC25-740-110. Design criteria. Subsection A: There is a proposed amendment related to UV disinfection which will be discussed during the “significant amendment” discussions.
- 9VAC25-740-110. Design criteria. Subsection B: Includes some amendments related to reclaimed water distribution which will be discussed during the “significant amendment” discussions. There is a NOIRA amendment to correct a reference to the Virginia Statewide Building Code (B.3.b). Section B.7 includes amendments related to the conversion of existing potable water distribution systems or existing sewer and wastewater collection systems to use for reclaimed water distribution. Subdivision B.9 includes amendments and language changes to clarify the reclaimed water distribution system identification, notification and signage requirements. The amendments also provide for the use of alternate methods of identification, notification and signage especially for smaller diameter piping.
  - ***RAP Comment: Concerns were voiced over the marking and identification of existing pipes used for reclaimed water, especially those facilities with existing underground piping systems. A question was raised regarding the requirements related to an irrigation system piping and fixtures. Staff noted that the identification, notification, and signage requirements go from the permitted provider through the end user. Staff noted that the regulation does include options and alternatives. A question was raised as to why 7.e was stricken since it seems to provide greater flexibility for how a reclaimed water transmission facility is described. It was also suggested that “irrigation distribution systems” should be included as a use category under 7 of this subsection. Due to the depth of discussions on this topic this will be added to the “significant amendments” discussions. This requires more discussions. It was suggested that the staff look at the state of Florida’s regulations that deal with reclaimed water use especially marking of piping for reuse systems on golf courses.***

**ACTION ITEM: Move discussions of marking and identification of existing pipes used for reclaimed water to the “significant amendments” discussions.**

- 9VAC25-740-110. Design criteria. Subsection C. Storage requirements. Given the concerns raised by the RAP earlier in the meeting regarding the existing discharge prohibition for reclaimed water non-system storage facilities, this item will be moved into the “significant amendments” category for in-depth discussions at a future TAP meeting.
  - ***RAP Comments: The use of the word “lakes” is not consistent among the***

*subdivisions of subsection C. The phrase “lakes, impoundments or ponds” should be used consistently. Sometimes only “landscape impoundments” are referenced, at other times the phrase “impoundment or ponds” is used. Either drop the use of “lakes” or make the references consistent. Spelling error – Item #12 – should be “non-system” instead of “on-system” storage.*

- 9VAC25-740-120. Construction requirements. – No Comments.
- 9VAC25-740-130. Operator requirements and system reliability. – No Comments.
- 9VAC25-740-140. Operations and maintenance. – No Comments.
- 9VAC25-740-150. Management of pollutants from significant industrial users. – Will be discussed during “significant amendments” discussions.
- 9VAC25-740-160. Access control and advisory signs.
  - *RAP Comment: How much reclaimed water does there need to be to be called “reclaimed water”? The irrigation pond water is not regulated until you add reclaimed water. Is the signage sufficient in some cases especially for existing systems?*
- 9VAC25-740-170. Use area requirements. A lot of existing language was rearranged in this section.
  - *RAP Comments: It was suggested by the RAP that the tables containing the setbacks distances for irrigation reuses of reclaimed water should have titles and that the language referring to the tables should be modified to reflect the shift of the information into table format. The notification requirements related to discharges that “can adversely impact human health” was discussed. Why is that statement included? Concerns over whom and how that determination was to be made were raised. Who makes the determination? Is the permittee making the determination of what impacts human health? This needs to be qualified and rethought.*

**ACTION ITEM:** Staff will look at the use of the term “human health” and who makes the determination and why is it included.

- *RAP Comments: Concerns were raised regarding the language about the requirement in C regarding compliance with reclaimed water standards required for the intended reuses at the point of delivery to end users. The need for education of the use of reclaimed water. Concerns were raised over the setbacks for irrigation with Level 1 and Level 2 reclaimed water in the tables. It was suggested that they seem a little large and are very conservative. There needs to be a scientific basis for consideration of changes in the buffer areas. There should be a mechanism for revision of the buffers under certain conditions.*

**ACTION ITEM:** Buffers will be revisited by the RAP and DEQ Staff regarding possible changes in setbacks.

- 9VAC25-740-180. Operational flow requirements. – No Comments.
- 9VAC25-740-200. Reporting. – No Comments.
- Documents Incorporated By Reference. – No Comments.

## **7. Public Input and Meeting Wrap-Up:**

No Public Comment was offered. The RAP noted that the IPR definition does not include “groundwater recharge” and will need to be revisited and revised if “groundwater recharge” is included in the Water Reclamation and Reuse Regulation.

It was suggested that DEQ should look into circulation of a lunch menu or menus for consideration by the RAP members for an order for lunch (paid for individually) for delivery to the meeting room in order to save some time at the next meeting.

## **8. Next RAP Meeting:**

The next meeting of the RAP is scheduled for Monday, May 2, 2011 at the DEQ Piedmont Regional Office and is scheduled to begin at 9:30 AM.

## **9. Meeting Adjournment:**

The meeting was adjourned at 2:55 PM.