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**Via Electronic Mail**

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William Norris  
Office of Regulatory Affairs  
Virginia Department of Environmental Quality  
629 E. Main Street  
Richmond, Virginia 23219

Re: Amendment to the Water Reclamation and Reuse Regulation  
9 VAC 25-740-10 et seq.

Dear Bill:

Thank you for the opportunity to submit comments on the proposed amendments to the Water Reclamation and Reuse Regulation. These comments are submitted on behalf of Mission H<sub>2</sub>O. Mission H<sub>2</sub>O has been an active participant on the regulatory advisory panel that assisted in the development of the proposed amendments.

Mission H<sub>2</sub>O is a stakeholder group focused on water supply-related issues. Our members include industrial and agricultural water users, water providers, and water industry consultants. Ensuring the sustainability of Virginia's water resources is of critical importance to our members.

Mission H<sub>2</sub>O recognizes that the Virginia General Assembly has directed DEQ to encourage water reclamation and reuse projects. But Mission H<sub>2</sub>O is concerned that water reclamation and reuse may be misunderstood to be a solution to water supply shortages. Water reclamation and reuse projects do not create "new" water. Rather, they convert a water discharge into a water use. In some instances this can be beneficial to the overall management of a water resource. But in some instances, such a conversion eliminates an important contribution

to instream flow, and affect the availability of the resource for downstream water users. In other words, the downstream water users are already engaging in indirect reuse.

In an effort to address this concern, the proposed amendments to the Water Reuse and Reclamation Regulation prohibit the reduction of a discharge from a treatment works for reuse that has a significant adverse impact to beneficial uses. *See* Proposed Amendments to 9 VAC 25-75-50 (Exclusions and Prohibitions). The term “significant” has not been defined, nor do the proposed amendments identify how a determination of adverse impact will be made. Mission H<sub>2</sub>O expects that DEQ will issue guidance on this subject, and looks forward to working with DEQ as this concept is more fully developed.

Mission H<sub>2</sub>O also participated on the Water Supply Plan Advisory Committee that recently completed its work. In that Committee’s final report, recommendations were made about options for mitigating for consumptive use (and consumptive reuse) projects. Mission H<sub>2</sub>O encourages DEQ to continue to identify criteria and options for such mitigation to take place.

The Committee’s report also suggests that stormwater reuse and/or rainwater harvesting may provide even greater reuse opportunities. Mission H<sub>2</sub>O would welcome the opportunity to partner with DEQ to explore such options. Similarly, Mission H<sub>2</sub>O encourages both DEQ and the Health Department to move forward in considering gray water reuse in buildings, and the necessary amendments to the Building and Plumbing Codes to enable reuse to occur for nonpotable purposes.

The proposed regulations include provisions relating to emergency reuse. *See* proposed 9 VAC 25-740-45. This section requires that coverage under a VPDES or VPA permit must be sought for such emergency authorizations within 180 days. This time period is excessive. The emergency provisions in the Virginia Water Protection regulations require that a permit application be filed within 14 days of the emergency authorization. 9 VAC 25-210-80.D.2. The time period for applying for permit coverage for emergency reuse projects should be consistent with that for emergency withdrawals.

William Norris  
January 7, 2013  
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Thank you again for the opportunity to provide these comments. Mission H<sub>2</sub>O looks forward to continuing to work with DEQ on this important issue.

Sincerely,



Andrea W. Wortzel

cc: Mission H<sub>2</sub>O Members  
Susan Douglas, VDH