



MAMWA Requests Changes to Class IV Reuse Guidelines August 2016

Over the past several quarters, we have been reporting on on-going discussions between MAMWA and MDE staff regarding the July 2015 [Guidelines for Use of Class IV Reclaimed Water: High Potential for Human Contact](#). Class IV reclaimed water is the most highly-treated, and may be used for various purposes in the following categories: commercial, industrial and government owned facilities; other industrial; residential outdoor irrigation; non-residential irrigation; and irrigation with restricted access and applicable buffer zone. MDE's Class IV guidance lays out numerous requirements for how this reclaimed water must be treated, monitored, and permitted, and how end-use facilities must be constructed, operated and maintained. In addition, as with every regulatory program, MDE spells out recordkeeping and reporting standards for Class IV reuse.

In December 2015, MAMWA sent MDE a letter asking for clarification to the 2015 Guidelines. MDE responded in January 2016. Although MDE agreed with MAMWA's position on several issues, there were a number of issues that MDE identified as needing further discussion, so MAMWA met with MDE staff on May 31, 2016.

MAMWA began the meeting by expressing strong support for reuse, and highlighted the numerous benefits of current reuse projects. MAMWA explained that it wanted to use the meeting time to gain a better understanding of MDE's January 2016 response, to create a list of issues for future discussion, and to open a dialogue on how to encourage reuse while still addressing MDE's concerns. MAMWA and MDE discussed the following unresolved issues from the 2015 Guidelines and the back-and-forth correspondence between the group and the Department:

Exemptions from Guideline – The 2015 Guidelines do not include any exemptions that other states with reuse commonly offer. For example, in Virginia, reuse requirements do not apply to use of effluent on a WWTP's own property if the water is used for irrigation. MDE seemed to be comfortable with this kind of narrowly-tailored exemption if a WWTP limits public access.

New Permit Classification for Reuse – MAMWA supports creating a new permit classification for reuse that is consistent with the nature of this high-quality product. Currently, reuse projects are permitted under sewer guidelines. MDE explained that the classification is driven by the existing regulations; creating a new category would require a COMAR revision. MDE seems reluctant to take this step. MAMWA acknowledged the need to make regulatory changes without conceding the fact that reclaimed water deserves its own treatment under the permitting regulations.



Point of Compliance for TRC – MAMWA explained this is a significant issue that can make or break a particular reuse project. Maryland’s requirement for monitoring at the end of the treatment process as well as near an end use point is burdensome, especially if there are multiple end-users on one pipeline. MDE is concerned that there may be public health impacts if reclaimed water is delivered in a long pipeline. MAMWA and MDE discussed having TRC monitoring at an end-use point only if there is a potential for public access. In other situations—for example, if reclaimed water is being used for cooling in an industrial building—requiring point-of-compliance monitoring at a second location is less necessary. MDE agreed to consider alternative language that would better align with risk.

Baseline Monitoring – MDE explained that it is requiring baseline monitoring just in case there are any future questions regarding the quality of the water. As with the TRC issue, MDE is willing to consider different text that would limit monitoring to projects with a higher potential for public access.

During the meeting, MDE stated that it would consider issuing revised 2016 Guidelines after the one-year anniversary of the 2015 Guidelines. On July 14, 2016, MAMWA sent a letter to Dr. Tien and other MDE staff who attended the meeting supporting a new, revised set of Guidelines. MAMWA also provided specific alternative text for the Guidelines. We await MDE’s response.