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TO: Lauren Evans, Chair, Water Quality Control Commission
Trisha Oeth, Administrator, Water Quality Control Commission

FROM: Lillian Gonzalez, Permits Section
Janet Kieler, Permits Section

RE: Triennial Review Informational Hearing for Reclaimed Water Control Regulation (Regulation # 84)-Update on Division Resources and Path Forward

DATE: September 28, 2016

Background

In accordance with the Water Quality Control Commission's (commission) triennial review cycle of regulations, a Triennial Review Informational Hearing (TRIH) was held for the Reclaimed Water Control Regulation (Regulation #84) on May 9, 2016.

During the TRIH, the following areas of potential change to Regulation 84 were discussed:

1. Addition of irrigation of crops for human consumption as an approved use;
2. Addition of indoor urinal and toilet flushing as an approved use;
3. Addition of livestock washdown as an approved use;
4. Address accumulation of total dissolved solids (TDS);
5. General clarifications and/or corrections.

Also during the TRIH, the division informed the WQCC that the division was experiencing budget shortfalls that required the division to postpone further work on the potential changes to Regulation 84. Therefore, the WQCC requested a briefing from the division regarding the status of their budget and the implications for revisions to Regulation 84. This memo fulfills the WQCC's request.

Budget

The division has requested funding from the Colorado Water Resources and Power Development Authority (Authority) to support 1 FTE for a three-year term to focus on updating the Reclaimed Water Control Regulation (Regulation No. 84). This request is contingent on the Authority Board of Directors approving the division's final funding request in December. Further, the division also has requested an additional 0.5 FTE from the Colorado Water Conservation Board (CWCB) to assist with our reclaimed water rulemaking efforts and ongoing work with graywater. Since CWCB has agreed to provide this support, the division is working to develop a memorandum of agreement between the agencies in order for the division to receive the transfer of funds. These term-limited funds are expected to cover 1.5 full time equivalent (FTE) employees focused on adding three additional uses and regulatory development for reclaimed water. With the 1.5 FTE, the division plans to create one new term limited position dedicated to the update of Regulation 84. The remaining 0.5 FTE will fund division support from engineering staff and division management, which have been



underfunded for reclaimed water and graywater regulatory development in the past.

With these new funds, the division plans to address updates to Regulation 84 in 2 phases. Phase 1 will initially focus on reviewing information developed and presented by WRCO/Denver Water to support addition of the three new uses of reclaimed water that were include in the TRIH: irrigation of crops for human consumption, toilet flushing, and livestock wash down. Phase I will also include exploring options to address the issue of TDS as well as changes and clarifications to the Regulation. Phase 2 is expected to build on the work completed in Phase 1 and identify areas where Regulation No. 84 could be further improved to support development of reuse in the future.

The division will work with stakeholders in a work group format as part of both phases of this effort. The work group will review the technical information that will ultimately become the basis of a proposal to the Water Quality Control Commission. As the proponent for the new uses, WRCO/Denver Water will lead the stakeholder group for Phase 1. The division will need assistance from the reclaimed water community to lead the stakeholder group for Phase 2.

The division will use the existing funding, set at 0.9 FTE, to support implementation of the current regulation and approved uses. This includes administration of Notices of Authorization for reclaimed water and compliance oversight of the reclaimed water treaters and users. At this time the division does not have funding secured to support implementation of new uses and intends to continue dialogue with stakeholders to explore possible funding sources to support implementation down the road.

The division is not proposing that a rulemaking hearing be scheduled for graywater at this time. Indoor urinal and toilet flushing is an allowed use in Regulation 86, the Graywater Control Regulation, and the division intends to monitor the development of regulatory provisions in Regulation 84, the Reclaimed Water Control Regulation, to determine the extent to which commensurate changes to Regulation 86 may be appropriate for that use. The division also intends to monitor stakeholder interest in irrigation of crops for human consumption and livestock washdown with graywater, which are not allowed uses in Regulation 86, to inform future dialogue about those uses for graywater.

The division is also engaging with Water Reuse Colorado as they work under a grant provided by CWCB toward evaluating potential regulations, policies or guidance that may apply to direct potable reuse. This effort launches in October 2016 and is expected to last through at least 2017. An important consideration with respect to the scope of that effort is the degree to which indirect potable reuse will be addressed.

Tentative Timeline

Provided that the division's funding request is approved in December 2016, a tentative general timeline is provided below. The final schedule will be determined based on funding and the progress of the work groups.

Phase 1

(3 new uses, TDS, corrections/clarifications)

Tentative Timeframe	Task
December 2016	Consideration of division funding request by Authority Board of Directors
Fall/Winter 2016/17	Recruitment/hiring for reclaimed water position
Late Winter/Early	Reclaimed water position begins



Spring 2017	
Summer 2017	Begin Stakeholder Group Meetings
Winter 2017	Complete stakeholder Group Meetings
March 2018	Proponent finalizes proposal to WQCC
August 2018	Rulemaking Hearing

Phase 2

(Additional Regulatory Improvements)

Tentative Timeframe	Task
Fall 2018	Begin stakeholder Group Meetings
Winter 2019	Complete Stakeholder Group Meetings
March 2019	Proponent finalizes proposal to WQCC
August 2019	Rulemaking Hearing

