

March 17, 2006

Tom Franklin  
Bureau of Water Standards and Facility Regulation  
Department of Environmental Protection  
RCSOB, 11<sup>th</sup> Floor  
Harrisburg, PA 17105-8774

**RE: Comments on the proposed Reuse of Treated Wastewater Guidance Manual  
(ID 362-0300-009)**

Dear Mr. Franklin:

The Pennsylvania Chamber of Business and Industry is providing comments on the proposed guidance document entitled “Reuse of Treated Wastewater Guidance Manual” (ID 362-0300-009). The PA Chamber is the largest broad-based business association in the state. Our thousands of statewide members employ more than 1.5 million employees – about 90 percent of the private workforce – and represent \$500 billion in annual sales.

While a cursory overview of the cover page might suggest that this document is applicable to the reuse of treated wastewater from domestic wastewater treatment plants, it becomes clear (page 2, Section II.A, first paragraph) that this guidance in fact seeks to apply to the reuse of all industrial wastewater, including water that is reused within the same industrial facility that generated it. This was confirmed at last week’s Water Resources Advisory Council meeting.

Our first, and most significant concern, is that this Manual attempts to greatly expand the permitting program of the Department to regulate reuse of water within industrial facilities. On page 1, Section I.A the guidance states “The approval of any activity listed in this manual may only occur under the authority of a permit issued by DEP.” Specifically, it would purport to require a water quality management (WQM) permit for all water reuse activities, according to section IV.A. Therefore, it appears that under this proposed document, if a company would like to take process water “effluent” from one process and reuse it in another process on their industrial campus, the company would first need to file a WQM permit application with all the requirements as highlighted in the guidance manual as well as be required to report reuse numbers to DEP annually (Section IV.F).

As currently written, this guidance manual creates a significant disincentive to Pennsylvania industries of all types wishing to recycle or reuse water. Companies across virtually every sector – from power generation to pharmaceuticals - reuse water for a number of reasons, ranging from business need to government water conservation mandates to environmental stewardship. Some recycling occurs within connected processes (such as the washing and process of aggregate products at quarries). Other

reuse opportunities occur between processes at a facility (such as wash water from one process being used in boilers to produce steam heat). The Department, Delaware River Basin Commission and Susquehanna River Basin Commission, have long encouraged these efforts, and substantial strides have been made across Pennsylvania in this direction. As a result of such efforts, some companies, such as one vaccine maker in Northeastern Pennsylvania, have substantially increased production and employment without substantially increasing water withdrawals. What is notable is that such recycling has largely proceeded with no need for permits, and no suggestion of the need for permits, from the Department before the issuance of this draft manual. To our knowledge, on site industrial water reuse has no adverse environmental impact since the “waste” water is being kept out of the environment, and withdrawal of fresh water is being reduced. The Department has not pointed to any concrete evidence that such industrial water reuse has presented a real world environmental problem. All available information suggests that such recycling and reuse is clearly a positive environmental initiative. Yet this proposed guidance manual creates a burdensome program that may result in companies reducing or eliminating proactive water reuse projects because permitting and reporting increases the cost of the project.

As expressed by other commentors, the expansion of the Department’s permitting program through the backdoor of a guidance manual is improper. Any change to the basic scope and requirements for permits should only be made through regulations which are adopted by the Environmental Quality Board, following the procedures of the Commonwealth Documents Law and Independent Regulatory Review Act. The need for such regulations, compared to the costs (both financial and impacts in terms of discouraging water reuse) would have to be closely weighed in any such rulemaking.

For industries that are regulated by either an NPDES permit or an industrial pretreatment permit under 40 CFR 403, standard permit language requires that the permittee shall give notice (to PADEP or pretreatment control authority as applicable) of any physical alterations or change in operations of the permitted facility that could change the nature or increase quantity of pollutants discharged. The existing NPDES or industrial pretreatment permit already provides the regulatory mechanism for controlling and reporting changes in the industries effluent. The industry would still also be responsible for meeting required pollutant effluent limits under its permit. Additional permitting and reporting is redundant and unnecessary to ensure environmental protection.

In sum, we believe that this draft guidance does nothing to promote or encourage the reuse of treated wastewater but instead puts up barriers to a very positive activity. The fundamental premise of this manual needs to be reconsidered, and the manual should be recrafted to encourage positive reuse and recycling, providing guidance on how it can be conducted in an efficient, cost-effective and environmentally sound manner.

Please feel free to contact Sharon Roth at 717-720-5455 should you have any questions.

Sincerely,

Gene Barr  
Vice President, Political and Regulatory Affairs