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By Electronic Transmission

July 25, 2019

Mr. Vojin Janjić & Mr. Britton Dotson
Division of Water Resources
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243

RE: **Public Comments on Rule Chapters 0400-40-05 and 0400-40-06**

Dear Mr. Janjić and Mr. Dotson:

The Murfreesboro Water Resources Department (MWRD) appreciates the opportunity to make comments on the proposed revisions to Rule Chapter 0400-40-05 and the proposed new Rule Chapter 0400-40-06. As one of the largest distributors of reclaimed water in Tennessee, we are a major stakeholder in this proposed action. New rules and rule revisions can have a major impact on these operations and, as such, we respectfully offer for your consideration the following comments and recommendations. We are hopeful that our long experience with reclaimed water systems will be duly considered.

RULE 0400-40-05

0400-40-05-.02 (77) We recommend that this sentence include the phrase “that reaches waters of the state” (or one similar). The phrase is necessary for the sentence to be technically correct and provides consistency with the definition of a “release.”

0400-40-05-.02 (99) The word “a” was inadvertently deleted. See underlined: “A “wet weather overflow” is a sanitary sewer overflow that is directly related to a specific rainfall event.”

0400-40-05-.05 (3) We do not understand the need for this conditional phrase in the proposed rule “If reuse is proposed, this analysis shall consider potential impacts of the flow reduction, if reuse causes more than a five percent decrease in the 7Q10 flow of the receiving stream.” Because the 7Q10 applied at our outfall on the receiving stream is calculated upstream of the effluent outfall, the reuse flow rate does not affect the 7Q10 of the receiving stream. This renders the rule to have no basis. Taken as written, the rule is totally impractical. To illustrate, the 7Q10 of the West Fork Stones River upstream of the Murfreesboro Water Resource Recovery Facility (MWRRF) outfall is 0.2 MGD. Murfreesboro’s average daily distribution of reclaimed reuse water in 2018 was 2.7 MGD, or 1350% of the 7Q10. Had we been limited to 5% of the 7Q10, we would only have been allowed to reclaim a mere 10,000 gpd. Please clarify. Taken as written, the proposed rule cannot possibly be this restrictive.

0400-40-05-.08 (1)(v) We believe it is inappropriate to reference the provisions of the proposed new Rule (0400-40-06-.10) into this section. We object to many of the provisions of this section as indicated by our comments on that proposed rule, however, section 0400-40-06-.10 is better contained in Rule 0400-40-

Water Resources Department

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05 than Rule 0400-40-06. It is our understanding that there are no current or proposed SOP systems for whom these provisions currently apply. There are at least five NPDES systems that are directly affected by these provisions, and therefore we respectfully submit that it is unnecessarily confusing to place these requirements in the SOP Rule.

RULE 0400-40-06

0400-40-06-.10 We believe this entire section is better suited in Rule 0400-40-05. It is our understanding that there are no current or proposed SOP systems for whom these provisions would apply while at least five NPDES systems are directly affected. Therefore we respectfully submit that it is unnecessarily confusing to place these requirements in the SOP Rule.

0400-40-06-.10 (1)(a) Same comments as previously offered herein for Rule 0400-40-05-.05 (3).

0400-40-06-.10 (1)(c)(1) We object to the inclusion of a blanket prohibition of potable reuse in this section, or in any section. Unplanned, de facto potable reuse is already occurring for most utilities across Tennessee. If this rule were to be implemented, each of these utilities will be in noncompliance immediately. Furthermore, potable reuse is part of EPA's Water Reuse Action Plan and numerous utilities are moving towards it. To include explicit prohibition language in the TN rules is simply uncalled for and regressive.

0400-40-06-.10 (1)(c)(4) We object to the proposed requirement that the Commissioner must approve of the sale of reclaimed wastewater. Murfreesboro has the right to distribute and sell non-potable water for reuse and has successfully done so with over 160 customers for the last 14 years without a single complaint or issue.

0400-40-06-.10 (1)(c)(5) We recommend that the term "impoundment" be defined in the regulation. There are currently numerous man-made impoundments being successfully utilized for reclaimed water storage prior to application on golf courses in Tennessee. We suspect that this proposed prohibition was intended to be applied to impoundments of natural streams entering and exiting reservoirs. Proper definitions can clarify this.

0400-40-06-.10 (3)(d) (1 and 2) The language in these sections is circular. If Murfreesboro had been able to identify, implement, and afford a less expensive alternative to non-potable reuse 15 years ago, we would not have expended \$20M of ratepayer money to construct our existing system. The non-potable reuse system was implemented because TDEC indicated that it was the only feasible alternative that could allow Murfreesboro to continue to grow. Now, with these proposed rules, TDEC is placing restrictions on our ability to expand both our NPDES permit and our reuse system. The most notable truth in this set of circumstances is that our WRRF effluent is of the highest quality and is not only perfectly suitable for either reuse or discharge to the West Fork, but beneficial to both. It's quality far exceeds its requirements in either case. Considering this growing scientific database that proves the high quality of our effluent and its beneficial effect on the receiving stream, expansion of both reuse flow (opportunity-driven) and discharge (growth-driven) are easy to justify as the most economical and environmentally sound and sustainable alternatives available.

0400-40-06-.10 (4)(d)(1)(iii) We respectfully recommend deletion of this section. Unaccounted for water is an unfortunate inevitability when distributing water over distance in pressurized mains. Most potable water systems experience unaccounted for water losses that exceed 15 to 20% of the volume produced. These are not regulated as either discharges or releases, and neither should unaccounted for water from

a reclaimed water system. This sentence paves the way for overzealous and litigious citizens to sue the City for each and every waterline leak as a violation of State law.

0400-40-06-.10 (4)(d)(2) We respectfully recommend deletion of this section. As discussed in the public hearing, it is unreasonable for TDEC to require utilities to inspect and determine how reclaimed water is utilized beyond the customer meter.

We trust that TDEC will consider our comments and recommendations concerning these proposed rules. It is our intention to be collaborative and cooperative as we believe our long experience with reuse can be beneficial to this process. Thank you for your time and consideration in these important matters.

Best Regards,

MURFREESBORO WATER RESOURCES

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