

**Title 22, CALIFORNIA CODE OF REGULATIONS**

**Article 5.1. Indirect Potable Reuse: Groundwater Replenishment – Surface Application.**

**Amend Section 60320.116 as follows:**

**Section 60320.116. Recycled Municipal Wastewater Contribution (RWC) Requirements.**

(a) Each month, for each surface application GRRP used for replenishing a groundwater basin, the GRRP's project sponsor shall calculate the running monthly average (RMA) RWC based on the total volume of the recycled municipal wastewater and credited diluent water for the preceding 120 months. For GRRPs in operation less than 120 months, calculation of the RMA RWC shall commence after 30 months of recycled municipal wastewater application, based on the total volume of the recycled municipal wastewater and credited diluent water introduced during the preceding months.

(b) The GRRP's RMA RWC, as determined in subsection (a), shall not exceed the maximum RWC specified for the GRRP by the Department.

(c) The initial maximum RWC shall not exceed 0.20 or an alternative initial RWC approved by the Department. An alternative initial RWC up to 1.0 may be approved by the Department based on, but not limited to, the Department's review of the engineering report, the information obtained as a result of the public hearing(s), and a project sponsor's demonstration that the treatment processes preceding the soil-aquifer treatment process will reliably achieve total organic carbon (TOC) concentrations no greater than 0.5 mg/L divided by the proposed initial RWC.

(d) A GRRP may increase its maximum RWC, provided:

- (1) the increase has been approved by the Department and Regional Board;
- (2) for the previous 52 weeks, the TOC 20-week running average, as monitored pursuant to section ~~62320.118~~ 60320.118, has not exceeded 0.5 mg/L divided by the proposed maximum RWC; and

(3) the GRRP has received a permit from the Regional Board that allows operation of the GRRP at the increased maximum RWC.

(e) In addition to the requirements in subsection (d), prior to operating a GRRP at an RWC greater than 0.50 or 0.75, which must be achieved sequentially, a project sponsor shall:

(1) provide a proposal to the Department prepared and signed by an engineer licensed in California with at least three years of experience in wastewater treatment and public water supply;

(2) submit an updated engineering report and Operation Optimization Plan; and

(3) provide evidence of compliance with section 60320.126(a).

(f) If the RMA RWC exceeds its maximum RWC, the GRRP's project sponsor shall:

(1) notify the Department and Regional Board in writing within seven days of knowledge of the exceedance; and

(2) within 60 days of knowledge of the exceedance, implement corrective action(s) and additional actions that may be required by the Department or Regional Board, and submit a report to the Department and Regional Board describing the reason(s) for the exceedance and the corrective action(s) taken to avoid future exceedances.

Note: Authority cited: Sections 13521, 13562 and 13562.5, Water Code; and Section 131052 and 131200, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561 and 13562.5, Water Code.

**Amend Section 60320.130 as follows:**

**§ 60320.130. Alternatives.**

(a) A project sponsor may use an alternative to a requirement in this Article if the GRRP's project sponsor:

(1) demonstrates to the Department that the proposed alternative assures at least the same level of protection to public health;

(2) receives written approval from the Department prior to implementation of the alternative; and

(3) if required by the Department or Regional Board, conducts a public hearing on the proposed alternative, disseminates information to the public, and receives public comments, pursuant to sections 60320.102(b) and (c).

(b) Unless specified otherwise by the Department, the demonstration in subsection (a)(1) shall include the results of a review of the proposed alternative by an independent scientific advisory panel that includes a toxicologist, a registered engineering geologist or hydrogeologist, an engineer licensed in California with at least three years of experience in wastewater treatment and public drinking water supply, a microbiologist, and a chemist.

(c) The TOC limit specified in section 60320.118(c) may be increased if:

(1) The increased TOC limit is approved by the Department and Regional Board;

(2) The GRRP has been in operation for the most recent ten consecutive years;

(3) A project sponsor submits a proposal to the Department prepared and signed by an engineer licensed in California with at least three years of experience in the fields of wastewater treatment and public water supply. The proposal shall include the following, based on the most recent ten consecutive years of operation;

(A) GRRP operations, monitoring, and compliance data,

(B) Evidence that the GRRP has a history of compliance with the requirements of their Regional Board permit,

(C) Evidence that the water collected at all downgradient drinking water wells and monitoring wells impacted by the GRRP has met the primary drinking water standards,

(D) Analytical or treatment studies requested by the Department to make the determination in subparagraph (C),

(E) Validation of appropriate construction and siting of monitoring wells pursuant to section 60320.126(a), and

(F) A study defining the water quality changes, including organic carbon characterization, as a result of the impact of the GRRP; and

(4) A project sponsor performs a health effects evaluation that assesses the health risks to consumers of water impacted by the GRRP, including any anticipated water quality changes resulting from the proposed increased TOC limit. The evaluation shall include the following;

(A) An exposure assessment that characterizes the quality of the water consumed and the quantity of contaminants and chemicals consumed,

(B) All available human epidemiologic studies of the population that has consumed water impacted by the GRRP,

(C) The results of laboratory animal studies and health risk assessments available in peer-reviewed literature pertaining to water impacted by the GRRP and anticipated water quality changes resulting from the proposed increased TOC, including studies or assessments where extrapolation of data may be relevant,

(D) A health risk assessment of the potential individual and cumulative effects of each of the regulated contaminants identified in section ~~62320.112~~ 60320.112, and the chemicals or contaminants monitored pursuant to sections 60320.120(a) and (c), that includes;

1. lifetime risks of cancer, and
2. risks of non-cancer effects, and

(E) A report detailing comments, questions, concerns, and conclusions of a review by an independent scientific peer review advisory panel that includes, as a minimum, a toxicologist, an epidemiologist, an engineering geologist or hydrogeologist registered in California, an engineer licensed in California with at least three years of experience in wastewater treatment and public water supply, a microbiologist, and a chemist.

Note: Authority cited: Sections 13521, 13562 and 13562.5, Water Code; and Sections 131052 and 131200, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13560, 13561 and 13562.5, Water Code.

**Article 5.2. Indirect Potable Reuse: Groundwater Replenishment - Subsurface Application**

**Amend Section 60320.208 as follows:**

**§ 60320.208. Pathogenic Microorganism Control.**

(a) A project sponsor shall design and operate a GRRP such that the recycled municipal wastewater used as recharge water for a GRRP receives treatment that achieves at least 12-log enteric virus reduction, 10-log Giardia cyst reduction, and 10-log Cryptosporidium oocyst reduction. The treatment train shall consist of at least three separate treatment processes. For each pathogen (i.e., virus, Giardia cyst, or Cryptosporidium oocyst), a separate treatment process may be credited with no more than 6-log reduction, with at least three processes each being credited with no less than 1.0-log reduction.

(b) For each month retained underground as demonstrated in subsection ~~(e)~~ (d), the recycled municipal wastewater or recharge water will be credited with 1-log virus reduction.

(c) With the exception of log reduction credited pursuant to subsection (b), a project sponsor shall validate each of the treatment processes used to meet the requirements in subsection (a) for their log reduction by submitting a report for the Department's review and approval, or by using a challenge test approved by the Department, that provides evidence of the treatment process's ability to reliably and consistently achieve the log reduction. The report and/or challenge test shall be prepared by an engineer licensed in California with at least five years of experience, as a licensed engineer, in wastewater treatment and public water supply, including the evaluation of treatment processes for pathogen control. With the exception of retention time underground, a project sponsor shall propose and include in its Operation Optimization Plan prepared pursuant to section 60320.222, on-going monitoring using the pathogenic microorganism of concern or a microbial, chemical, or physical surrogate parameter(s) that verifies the performance of each treatment process's ability to achieve its credited log reduction.

(d) To demonstrate the retention time underground in subsection (b) a tracer study utilizing an added tracer shall be implemented under hydraulic conditions representative of normal GRRP operations. The retention time shall be the time representing the

difference from when the water with the tracer is applied at the GRRP to when either; two percent (2%) of the initially introduced tracer concentration has reached the downgradient monitoring point, or ten percent (10%) of the peak tracer unit value observed at the downgradient monitoring point reached the monitoring point. A project sponsor for a GRRP shall initiate the tracer study prior to the end of the third month of operation. A project sponsor for a GRRP permitted on or before June 18, 2014 that has not already performed such a tracer study shall complete a tracer study demonstrating the retention time underground. With Department approval, an intrinsic tracer may be used in lieu of an added tracer, with no more credit provided than the corresponding virus log reduction in column 2 of Table 60320.208.

(e) For the purpose of siting a GRRP location during project planning and until a GRRP's project sponsor has met the requirements of subsection (d), for each month of retention time estimated using the method in column 1, the recycled municipal wastewater or recharge water shall be credited with no more than the corresponding virus log reduction in column 2 of Table 60320.208.

**Table 60320.208**

Column 1	Column 2
Method used to estimate the retention time to the nearest downgradient drinking water well	Virus Log Reduction Credit per Month
Tracer study utilizing an added tracer <sup>1</sup> .	1.0 log
Tracer study utilizing an intrinsic tracer <sup>1</sup> .	0.67 log
Numerical modeling consisting of calibrated finite element or finite difference models using validated and verified computer codes used for simulating groundwater flow.	0.50 log
Analytical modeling using existing academically-accepted equations such as Darcy's Law to estimate groundwater flow conditions based on simplifying aquifer assumptions.	0.25 log

<sup>1</sup> The retention time shall be the time representing the difference from when the water with the tracer is applied at the GRRP to when either; two percent (2%) of the initially introduced tracer concentration has reached the downgradient monitoring point, or ten percent (10%) of the peak tracer unit value observed at the downgradient monitoring point reached the monitoring point.

(f) A project sponsor shall obtain Department approval for the protocol(s) to be used to establish the retention times in subsections (d) and (e).

(g) Based on changes in hydrogeological or climatic conditions since the most recent demonstration, the Department may require a GRRP's project sponsor to demonstrate that the underground retention times required in this section are being met.

(h) If a pathogen reduction in subsection (a) is not met based on the on-going monitoring required pursuant to subsection (c), within 24 hours of being aware a project sponsor shall immediately investigate the cause and initiate corrective actions. The project sponsor shall immediately notify the Department and Regional Board if the GRRP fails to meet the pathogen reduction criteria longer than 4 consecutive hours, or more than a total of 8 hours during any 7-day period. Failures of shorter duration shall be reported to the Regional Board by a project sponsor no later than 10 days after the month in which the failure occurred.

(i) If the effectiveness of a treatment train's ability to reduce enteric virus is less than 10-logs, or Giardia cyst or Cryptosporidium oocyst reduction is less than 8-logs, a project sponsor shall immediately notify the Department and Regional Board, and discontinue application of recycled municipal wastewater at the GRRP, unless directed otherwise by the Department or Regional Board.

Note: Authority cited: Sections 13521, 13540, 13562 and 13562.5, Water Code; and Sections 131052 and 131200, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13540, 13560, 13561 and 13562.5, Water Code.

**Amend Section 60320.216 as follows:**

**§ 60320.216. Recycled Municipal Wastewater Contribution (RWC) Requirements.**

(a) Each month, for each subsurface application GRRP used for replenishing a groundwater basin, the GRRP's project sponsor shall calculate the running monthly average (RMA) RWC based on the total volume of the recycled municipal wastewater and credited diluent water for the preceding 120 months. For GRRPs in operation less than 120 months, calculation of the RMA RWC shall commence after 30 months of recycled municipal wastewater application, based on the total volume of the recycled municipal wastewater and credited diluent water introduced during the preceding months.

(b) The GRRP's RMA RWC, as determined in subsection (a), shall not exceed the maximum RWC specified for the GRRP by the Department.

(c) The initial maximum RWC, which may be up to 1.0, will be based on, but not limited to, the Department's review of the engineering report, information obtained as a result of the public hearing(s), and a project sponsor's demonstration that the treatment processes will reliably achieve TOC concentrations no greater than 0.5 mg/L.

(d) A GRRP may increase its maximum RWC, provided:

- (1) the increase has been approved by the Department and Regional Board;
- (2) for the previous 52 weeks the TOC 20-week running average, as monitored pursuant to section ~~62320.218~~ 60320.218, has not exceeded 0.5 mg/L; and
- (3) the GRRP has received a permit from the Regional Board that allows operation of the GRRP at the increased maximum RWC.

(e) If the RMA RWC exceeds its maximum RWC, the GRRP's project sponsor shall:

- (1) notify the Department and Regional Board in writing within seven days of knowledge of the exceedance; and
- (2) within 60 days of knowledge of the exceedance, implement corrective action(s) and additional actions that may be required by the Department or Regional Board, and submit a report to the Department and Regional Board describing the reason(s) for the exceedance and the corrective action(s) taken to avoid future exceedances.



Note: Authority cited: Sections 13521, 13540, 13562 and 13562.5, Water Code; and Sections 131052 and 131200, Health and Safety Code. Reference: Sections 13520, 13522, 13522.5, 13523, 13523.1, 13524, 13540, 13560, 13561 and 13562.5, Water Code.