



May 27, 2014

Ms. Felicia Marcus, Chair  
State Water Resources Control Board  
1001 I Street, 15th Floor  
Sacramento CA 95814



Subject: Comments on Draft General Waste Discharge Requirements for Recycled Water Use

Dear Ms. Marcus:

WateReuse California, the California Association of Sanitation Agencies, the Association of California Water Agencies and California Municipal Utilities Association thank the State Water Resources Control Board and staff for developing a statewide general permit for non-potable recycling. The Board's recognition that increased water recycling is needed to add resilience to the State's water supply to address future water supply variability, such as the current drought, is most welcome. Non-potable recycling will continue to be an important and expanding part of the range of water supply options available to California water agencies. A permit that encourages recycling while protecting public health and the environment is consistent with the Recycled Water Policy and has long been a goal of California recyclers, and we offer general and specific comments below in the spirit of creating such a permit.

**General Comments**

1. WateReuse California submitted a letter on May 19, 2014 requesting additional time for preparation of comments by stakeholders, additional time for staff to respond to comments, and additional time for stakeholders to review the next permit draft (see Attachment 1). While we understand that the drought emergency is a significant driver in expediting this process, we nonetheless believe that a limited extension of the deadline would benefit all parties and produce a better product that will facilitate greater adoption from the recycled water community. Thus, we ask that you consider our May 19 letter and postpone the proposed adoption date. If postponement of the comment deadline of May 27 is not possible and the hearing and permit adoption occurs as scheduled on June 3, we are concerned that the comments provided below cannot receive full consideration by the staff and the Board. We would therefore request that the Board consider amendments to the adopted permit within several months.
2. The draft permit is written as waste discharge requirements (WDRs). Water Code

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Section 13523 allows issuance of water reclamation requirements (WRRs), and WRRs are a much preferred permit since WRRs better reflect the character of recycled water as a valuable resource instead of a waste. WRRs were created by the legislature as an alternative to WDRs to provide a permitting mechanism that recognizes the importance as a resource and safety of recycled water for uses allowed by regulation, and to regulate recycled water differently from “wastewater.” Regulation of recycled water with a WDR as currently proposed is thus a step backward and perpetuates uninformed fears about public health and environmental impacts from “waste” (which is how recycled water is repeatedly referenced in the proposed permit) being used for irrigation and other allowed uses that are, in fact, considered by the State to be safe. Such fears, although unfounded, result in recycled water project delay and cost increases. We understand that current statute does not authorize the State Board to issue water reclamation requirements and enactment of legislation to authorize WRRs by the State Board is expected on about June 15, 2014. We ask that this order be adopted as a WRR.

3. The draft permit includes findings related to discharge to waters of the United States that serve as an apparent basis for permit requirements. The draft permit would not authorize discharge to waters of the United States and the findings (e.g. Findings 12, 15, 19 and last paragraph of 25) are therefore irrelevant and imply that recycled water use under the terms of the permit would be a threat to waters of the United States. Thus, we request that these findings and references be eliminated from the WDR.
4. The draft permit has overly burdensome monitoring and reporting requirements that would result in information being collected that is of no use to manage recycled water or verify compliance with the permit. For example, Attachment A (Notice of Intent) requires detailed information for each user site, including a site map and a water and nutrient balance. Some recycling programs have thousands of irrigation connections that are substantially the same (e.g. residences), and providing this information for each such site is infeasible and without benefit. Another example is that Attachment B (Monitoring and Reporting Program) requires priority pollutant sampling at each user site when one sample at the recycled water treatment plant would be sufficient and consistent with the Recycled Water Policy. A detailed description of problematic monitoring and reporting requirements and alternative permit language are provided in the *Specific Comments* section below.
5. We support use of an acceptable general statewide nonpotable recycling permit by Regional Water Boards in most instances. The current draft permit does not clarify how currently permitted projects would be transitioned to a general statewide permit. Recyclers currently operating under other permits that are acceptable to the recycler should be allowed to continue to operate under the existing permit, and we request that a finding to this effect be added to the draft permit. The draft permit describes conditions that must be met by Regional Water Boards to issue an individual permit instead of using the general permit (see Finding 28) that are inappropriately vague and could be used by Regional Water Boards having a history of issuing unnecessarily burdensome recycling permits to issue individual permits that unduly

restrict recycling. We offer solutions to these issues in the *Specific Comments* section below.

*Specific Comments*

6. Page 1, Finding 1 should include reference to the most recent (April 25, 2014) drought emergency declaration made by the Governor, including expediting the adoption of this General Order.
7. Page 2, Finding 5 should also reference to Section 13550 of the Water Code that provides that the use of potable water for nonpotable uses is prohibited when a suitable non potable water source is available.
8. Page 2, Finding 6 should also reference Recycled Water Policy goal to exercise authority to encourage the use of recycled water including streamlined permitting to increase the use of recycled water by at least one million acre-feet per year (afy) by 2020.
9. Page 2, Finding 8 should provide list of examples of the range of nonpotable uses including irrigation, cooling, industrial processes, structural firefighting, commercial laundries, snow making, etc.
10. Page 2, Add finding to reference previous efforts including: 2003 Recycled Water Task Force Recommendations for uniform interpretation of state standards and other appropriate recommendations.
11. Page 3, Finding 10(c) excludes the use of recycled water for animal water supply from this proposed Order. While the exclusion of domestic water supply for people is appropriate, domesticated animals can and have been supplied recycled water as their drinking water supply. This use at California Polytechnic University, Pomona was approved by the Los Angeles Regional Board, after consultations with California Department of Public Health (CDPH), in a letter dated April 19, 1982. Although the specific use for domestic animal watering is not currently contained in Title 22, provisions do exist in Title 22 to allow for other uses not included to be approved of by CDPH (with or without formal revision of Title 22). Therefore, to allow for the potential future use of recycled water for watering animals and to eliminate the implied permanent prohibition, the words “*or animals*” should be stricken from this sentence.
12. Page 3, Finding 11. This item discusses salts and nutrients in surface and groundwater. The water year data used is for 2010, and does not reflect drought conditions and the change in State Water Project (SWP) or Colorado River water (CRW) allocations in Southern California. The data and statements made in this section need to be updated to reflect drought conditions, 0 to 5% SWP allocation, and increased use of CRW at a higher TDS (around 580 mg/l). Also, with limited to no supplies from the SWP, there is not an opportunity for blending to lower the TDS,

which in turn affects the ability to meet Basin Plan requirements for TDS, and to meet Salt and Nutrient Management Plan (SNMP) provisions.

13. Page 3, Finding 12. The term “surface water” should be deleted from the first sentence, as use of recycled water has essentially no potential to increase nutrients in surface water.
14. Page 3, Finding 13. Similar comment as on finding #11. The Recycled Water Policy states that SNMPs are due in 2014, the current year. Because of the drought and TDS changes in imported waters, it may be appropriate to suggest that the deadline for SNMPs be extended until 2016. This extension is apparently provided for in the Recycled Water Policy.
15. Page 4, Finding 14 addresses CEC monitoring, but is silent on the issue of CEC monitoring for non-potable uses. To avoid confusion or misinterpretation, the finding should be expanded to specifically mention such monitoring. The finding should be revised as follows, “*The monitoring requirements and criteria for evaluating monitoring results in the Recycled Water Policy and this order are based on recommendations from a Science Advisory Panel.<sup>7</sup> The Science Advisory Panel evaluated the need for and did not recommend CEC monitoring for non-potable uses. Because this order is limited to non-potable uses, Because this order does not authorize groundwater replenishment activities, monitoring for CECs is not required by this General Order.*”
16. Page 4, Finding 15 states that “*The applicant shall determine the Potentially Present Priority Pollutants List (P4 List) and submit that with the Notice of Intent (NOI).*” This language is in the form of a requirement and, thus, is inappropriately contained in the Findings.
17. Page 6, Finding 19 refers to not preempting local control of wastewater discharges. This is an example of a finding about “discharges of wastewater” in a permit that authorizes only recycling. Finding 19 should therefore be deleted and the permit should be issued as a WRR.
18. Page 6, Finding 20 For the sake of clarity, we recommend that finding 20 be revised as follows: “The General Order is applicable to recycled water projects where recycled water for non-potable use is used or transported, ~~and is not intended to~~ The General Order does not regulate the treatment of wastewater.”
19. Page 7, Finding 23 says, “*This General Order regulates discharges to numerous water bodies...*” This Order specifically regulates the application of recycled water on Use Sites and requires application at agronomic rates. With such a requirement in place, no discharge to any water bodies will occur and the first three sentences in this finding should be deleted.

20. Page 8, Finding 24(a) says, “*Recycled water use shall not create unacceptable groundwater and/or surface water degradation.*” The term “*unacceptable*” is vague and subjective and should be revised for clarity. See comment 29.
21. Page 8, Finding 24(c)(i) uses the acronym “NOA”, which was not previously defined. It is not defined until page 15 in Water Recycling Administration Requirement C-2.
22. Page 8, Finding 24(c) (iii) says “*Backflow prevention, cross connection tests, and setback requirements for surface impoundments, wells, etc. are contained in title 22.*” Primary requirements for backflow prevention and cross connection tests are contained in Title 17, so reference to Title 17 should be added to this sentence.
23. Page 8, Finding 25, first paragraph, second sentence in states, “In order to do that, we must better match water use to water quality...” This should be restated to say that “***water uses must be better matched to water quality***”. Also in this finding, the third paragraph states, “*To the extent that the use of recycled water as a source supply results in point source discharges of used recycled water, that water will undergo subsequent treatment...*” This permit does not authorize such discharge so reference to such discharge is confusing and should be deleted.
24. Page 9, Finding 25, third paragraph, third sentence (“To the extent that the use of recycled water as a source supply results in point source discharges of used recycled water, that water will undergo subsequent treatment consistent with the Clean Water Act and/or the Porter Cologne Water Quality Act, as applicable.”) refers to surface water discharges and should be deleted.
25. Page 9, Finding 26 says, “*The Regional Water Board has discretion in enrolling Dischargers under this General Order. If the discharge is not consistent with Basin Plan requirements, the Discharger may elect to improve treatment, or a site-specific order can be prepared.*” This language gives full discretion to the Regional Boards to not allow coverage under the General Waste Discharge Requirements for Recycled Water Use (General Order), without any need to justify denial of coverage. This is in contrast to Finding 28, which sets out limited circumstances under which Regional Boards can deny coverage. Additionally, some Regional Board may misinterpret the phrase “*if the discharge is not consistent with Basin Plan requirements*” to mean that the recycled water must meet all Basin Plan objectives to be used, regardless of the findings of any Salt Nutrient Management Plans (SNMPs). Regional Board discretion to require site-specific permitting should be limited to the circumstances listed in Finding 28, and we request the following changes to Finding 26 to be consistent with Finding 28:

“Constituents of concern associated with recycled water that have the potential to degrade groundwater include salinity, nutrients, pathogens (represented by coliform bacteria), and disinfection by-products. ~~The Regional Water Board has discretion in enrolling Dischargers under this General Order.~~ If the use of recycled water will

result in a discharge that unreasonably affects beneficial uses, or results in water quality that is less than that prescribed in applicable policies, the producer of recycled water Discharger may elect to improve treatment, or the producer of recycled water may seek coverage for recycled water use through an individual order prepared by the applicable Regional Water Board. a site-specific order can be prepared. The State Board finds that the use of recycled water permitted under this General Order will not unreasonably affect beneficial uses or result in water quality that is less than that prescribed in applicable policies because of the following characteristics and requirements associated with each of the recycled water constituents of concern. Each of the recycled water constituents of concern are discussed below:”

26. Page 10, Finding 26(c) discusses setbacks from recycled water use, but is not specific as to what the setbacks are being applied. Title 22 specifies irrigation and impoundment setbacks from domestic wells and residences (depending on the quality of recycled water being used), which should be included in this Finding, in at least broad terms, for the sake of clarity. The third paragraph of this finding says, “*When needed, disinfection can be performed in a number of ways.*” This sentence should be deleted. If needed, a sentence such as the following can be added instead: ***“Technology to achieve the Title 22-specified disinfection is widely available and used effectively.”***
27. Page 10 Finding 26(d): Unlike subsections a-c of this finding, the finding in subsection d is inappropriate in that it promotes a treatment technology rather than expresses how Title 22 or this draft order will protect beneficial uses from disinfection byproducts (DBPs) reaching a level of concern in receiving waters (if it even occurs) due to recycled water use. For example, this permit is not for direct groundwater recharge, and therefore is not covering the pathway to where DBPs may enter groundwater supplies. In addition, this permit limits land application to agronomic rates. We recommend this finding be deleted or modified to reflect the permit and Title 22 protections, rather than describe a treatment technology.
28. Page 11, Finding 27 states, “*this General Order requires the applicant to provide confirmation that that the owner of the treatment plant has complied with these [Water Code Section 1211] requirements.*” This order should simply require compliance with relevant water rights statues as a condition of the general order being effective. See comment below on Specification B.3.
29. Page 11, Finding 28 This finding appears to be associated with supporting the anti-degradation analysis by stating that if a certain use of recycled water under this Draft Order could unreasonably affect beneficial uses (which is the definition of pollution at Water Code section 13050(1)), then the Regional Water Board may find it necessary to regulate the recycled water use under an individual order that has different or more restrictive requirements than those here that are necessary to ensure compliance with the law. However, the finding repeatedly uses “unacceptable” as the criterion (which is a new terms that currently does not exist in in law or the Anti-

Degradation Policy as expressed in Resolution 68-16. To clarify the intent of this finding, we recommend that finding 28 be replaced in its entirety with the following:

“This General Order authorizes specified uses of recycled water statewide. However, if the use of recycled water under this General Order would unreasonably affect beneficial uses or result in water quality less than that described in applicable policies, than the Regional Water Board’s Executive Officer might find it necessary to permit the use of recycled water under an existing order already adopted by the Regional Water Board, or under a new site-specific order. Before permitting the recycled water use separately rather than allowing it to be covered by this General Order, the Regional Water Board’s Executive Officer must find at least one of the following in the notice of intent response letter:

- a. The proposed use of recycled water will result in a discharge that unreasonably affects beneficial uses;
  - b. The proposed use of recycled water will result in a discharge that causes the receiving water to have water quality less than that described in applicable policies;
  - c. The proposed use of recycled water will otherwise result in a discharge that fails to comply with the applicable Basin Plan or State Water Board plans or policies.
  - d. The proposed use of recycled water will result in a discharge that is not consistent with a Salt and Nutrient Management Plan prepared pursuant to the Recycled Water Policy and as approved by the Regional Water Board.”
30. Page 11, Finding 28 (f) creates an unsupported nexus between water recycling and Total Maximum Daily Loads (TMDLs). Water recycling is not a “discharge” and references to TMDLs in this Order should be deleted as proposed in comment 29.
31. Page 12, Finding 30 indicates that an unspecified annual fee will be charged by the State Board for coverage under this Order. Some WRRs currently being administered by the Regional Boards do not require fees. This finding should be clarified as fees can be seen as a disincentive to prospective applicants.
32. Page 12, Finding 31 states, “*A National Pollutant Discharge Elimination (NPDES) permit is required if recycled water will be conveyed in ephemeral streams, year-round streams, or irrigation ditches that discharge to a surface water body (waters of the United States).*” Not all ephemeral streams, year-round streams, or irrigation ditches that discharge to a surface water body are waters of the United States. Rather than attempt to define waters of the United States in this General Order, this Finding should be deleted or changed to simply state that recycled water discharged to a water of the United States is no longer waste and is not regulated by this General Order. See also comment 3 above.

33. Page 13, Finding 32 lists beneficial uses of underlying groundwaters in the various regions of the state. However, the finding erroneously states that these groundwater beneficial uses represent all the beneficial uses for waters of the state in these regions. This finding needs to be amended to make clarify that the list of beneficial uses only encompasses groundwater beneficial uses. Some waters of the state are not groundwaters, including but not limited to some surface waters in closed basins.
34. Page 14, Prohibition A-2 addresses not applying recycled water to irrigation areas when soils are saturated. An exemption should be provided for frost protection where application on saturated soils is allowed as long as runoff does not leave the use site.
35. Page 14 Prohibition A-3 states “*Recycled water shall not be allowed to escape from the use area(s) as surface flow that would either pond and/or enter surface waters.*” This requirement does not recognize incidental runoff, as allowed under Prohibition A-7. The following language should be added to the beginning of this prohibition, “***Except as allowed under Prohibition A-7***”.
36. Page 14 Prohibition A-4 states “*Recycled water shall not be allowed to escape from the use area(s) as an airborne spray that would visibly wet vegetation or any other surfaces.*” Title 22 provides no basis for this prohibition. Title 22 prohibits overspray into private residences, picnic areas, and drinking fountains, overspray that causes ponding, and overspray that creates excessive runoff. This provision should be deleted.
37. Page 14 Prohibition A-5: We are concerned that that the last sentence of this prohibition may be interpreted differently than the restrictions that Title 22 places on the use. We recommend the sentence be modified as follows:
- If the recycled water is undisinfected or secondary-23 quality then spray or runoff shall not enter any place where ~~the~~ public access is not restricted ~~may be present~~ during irrigation.
38. Page 15, Prohibition A-6 states, “*The use of recycled water shall not cause rising groundwater discharging to surface waters to degrade surface water quality, exceed surface water quality objectives or adversely affect beneficial uses.*” This should be clarified as to whether the source of the degradation is the groundwater quality itself or is from the recycled water contribution. If ambient groundwater quality is the source of surface water quality degradation, then groundwater would degrade surface water quality even if potable water was being used for irrigation. If the problem is not directly associated with the recycled water quality, it should not be regulated as if it were.
39. Page 15, Prohibition A-7 states that incidental runoff “*shall not unreasonably affect present and anticipated beneficial uses of water.*” Water recyclers support the notion that runoff should be managed to incidental amounts as described in Section 7 of the

Recycled Water Policy. However, recyclers cannot know what beneficial uses might be “anticipated” and so we request deletion of “present and anticipated”.

40. Page 15, Prohibition A-9 is the same as Finding 10(c) above which prohibits the use of recycled water for animal drinking. The comments are the same.
41. Page 15, Specification B-1, requires the Administrator to discontinue delivery of recycled water for “*projects that do not comply with the requirements.*” As written, this requirement offers no flexibility for sequentially more severe enforcement measures. It should be revised to require Administrators to have authority to discontinue service and use such authority after other approaches to achieve compliance have been ineffective.
42. Page 15, Specification B-1(a) states that actions associated with recycled water must follow “*All title 22 requirements.*” This could lead to confusion, as different Title 22 requirements apply under different circumstances. For examples, the dual-plumbing requirements in Title 22 only apply to projects employing dual plumbing. For clarity, this should be changed to “*All applicable Title 22 requirements.*”
43. Page 16, Specification B-2: The Recycled Water Policy applies to landscape irrigation and does not pertain directly to agricultural irrigation. Accordingly, it is inappropriate to link all use requirements to requirements of consistency with the Recycled Water Policy. To clarify that the Recycled Water Policy applies to landscape irrigation, we recommend B.2 be revised as follows:

“Application of recycled water to the use area for landscape irrigation shall be at agronomic rates and shall consider, soil, climate, and nutrient demand, consistent with applicable provisions of the Recycled Water Policy.”

To then account for the fact that recycled water may be used for agricultural irrigation purposes, we recommend addition of a new specification.

“Application of recycled water to the use area for agricultural irrigation shall be at agronomic rates and shall consider, soil, climate, and nutrient demand.”

44. Page 16, Specification B-3 requires that the Administrator provide, prior to a change in the point of discharge, certification that the State Water Board Division of Water Rights (DWR) has either approved or determined that their approval is unnecessary, in accordance with Water Code Section 1211. The requirement to make the water recycler secure an affirmative decision on water rights is inappropriate. Rather than include this requirement regarding a certification, the permit should simply reference the appropriate Water Code Section. The following language could be used, “***Water Code Section 1211 requires that prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, the owner of any wastewater treatment plant shall obtain approval of the State Water Board for that change, except in cases where changes in the discharge or use of treated***

*wastewater do not result in decreasing the flow in any portion of a watercourse.”* If this section is retained in the final General Order, clarification is necessary as to conditions under which an order approving change is not required, such as a salinity threshold or other objective criterion.

45. Page 16, Specification B-4. See comment for Page 12, Finding 31.
46. Page 16, Water Recycling Administration Requirement C-2 states, “*The Regional Water Board will coordinate with CDPH to include title 22 engineering report approval requirements as needed.*” In order to avoid having to refile engineering reports for existing projects that are being moved from current WRRs to this General Order, the following should be added to this provision: “***Recycled water distribution systems and/or Users currently covered under existing WDRs, WRRs, master permits or other such Regional Board orders are categorically exempt from having to refile engineering reports for their existing operations.***”
47. Page 16, Water Recycling Administration Requirement C-5 details the need for backflow prevention devices and cross-connection tests. The applicable statute should be referenced: Title 17, Division 1, Chapter 5, Article 2. Furthermore, sections (a) and (b) are not correct interpretations as to when backflow preventers and cross-connection tests are required. They are required at any Use Site where both potable and recycled water are supplied (not necessarily just “dual-plumbed” sites which are specifically defined in title 22 as irrigation at single family homes and building internally plumbed for recycled water use in toilets, urinals, etc.). We request that Requirement C-5 be replaced with the following: “***The Administrator shall submit to CDPH documentation of the proper installation and maintenance of backflow prevention devices and the absence of cross connections as required in Title 17, Division 1, Chapter 5, Article 2 prior to commencing use of recycled water at sites.***”
48. Page 17, Water Recycling Administration Requirement C-6 states, “*The Administrator shall ensure recycled water meets the quality standards of this General Order and shall be responsible for the operation and maintenance of major transport facilities and associated appurtenances.*” Since the transport facilities are sometimes under the direct control of the water purveyors that distribute the recycled water in their service area (i.e., an entity other than the Administrator), the following language should be added to this provision: “***If an entity other than the Administrator has actual physical and ownership control over the recycled water transport facilities, the Administrator may delegate operation and maintenance responsibilities for such system to that entity.***”
49. Page 17, Water Recycling Administration Requirement C-7 first sentence should be revised to read, “*The Administrator, or its designated agent, shall conduct periodic inspections of the User's facilities...*” With this proposed modification, an intermediate in the chain of delivery between the Producer and the User, such as a water purveyor (Distributor) who is not acting as the Administrator, can perform the inspections of reuse sites to which it directly delivers recycled water.

50. Page 17, Water Recycling Administration Requirement C-10 requires the Administrator to develop recycled water use requirements for activities such as dust control and concrete mixing, and also discusses transportation by tanker-truck of the recycled water; however, this requirement is confusing as written. Recycled water use requirements should not have to be written in cases when the Administrator is not providing the water for such uses. Additionally, transportation should be allowed in vehicles other than tanker-truck such as street sweeping vehicles. For clarification, this requirement should be rewritten to read, *“If recycled water will be transported from the use site by truck for operations approved under title 22 such as dust control, the Administrator shall develop recycled water use requirements for these uses. Users of recycled water for such activities shall complete a recycled water release form or equivalent tracking documentation when receiving recycled water. This General Order allows transportation of recycled water by tanker-truck or other vehicles.”*
51. Page 17, Water Recycling Administration Requirement C-11 refers to a *“copy of the Water Recycling Permit”* which *“must be provided to Users by the Administrator.”* It is unclear as to what document this requirement is referring, the Order or some other permit (issued by Administrator?). This reference must be clarified.
52. Page 17, Water Recycling Administration Requirement C-13 should be deleted since it is duplicative of C-5 as proposed in comment 47.
53. Pages 17-18, Water Recycling Administration Requirements C-14 through C-16 should also have the phrase *“or its designated agent”* inserted in each provisions’ first sentence revised after *“The Administrator”*, as intermediate entities between the Producer and User are generally the local domestic water purveyors (Distributors), who have a more direct involvement with the Users who are their domestic and recycled water customers.
54. Page 17, Water Recycling Administration Requirement C-15 should be amended to clarify that the “Administrator permit conditions” is referring to the General Order as follows: *“In accordance with title 17, section 7586, the Administrator shall require Recycled Water Supervisor(s) to be familiar with this General Order ~~the Administrator permit conditions~~.”*
55. Page 18, Water Recycling Administration Requirement C-16 should also have the phrase *“appropriate warning signs”* changed to *“appropriate identification”* to be in agreement with title 22 and to allow for other forms of identification (e.g., tags, stickers, tape, etc.).
56. Page 18, General Provision D-4 should be deleted as this provision may be interpreted as granting new authority to the Regional Boards since SNMP are a product of the Recycled Water Policy and intended to be prepared collaboratively in basins where an SNMP is considered needed. The absence of a SNMP is grounds to exclude a project from coverage by this Order (see Finding 28), which is sufficient leverage to encourage SNMPs.

57. Page 19, General Provision D-10 requires compliance with “*all requirements of applicable WDRs or waivers of WDRs, including without limitation WDRs or waivers regulating agricultural discharges to irrigated lands.*” No references to other WDRs and Waivers of WDRs should be included in this Order. The General Order should stand alone in governing its relevant water recycling activities and Administrators, Producers, Distributors and/or Users should not have to read multiple permits and waivers to figure out requirements. This requirement should be deleted.
58. Page A-1, Notice of Intent requires submittal of an approval letter from CDPH for the engineering report. An exemption from this requirement should be provided for recycled water projects that are transitioning from existing WRRs or master reuse permits to this General Order. This is critical for systems such as the Long Beach Water Department system that have filed numerous engineering reports over the years as they have gradually expanded their system. This language should be similar to that suggested for Water Recycling Administration Requirement C-2 above.
59. Page A-2, Section II – Recycled Water Application requires that “*a water balance and nutrient balance analysis to illustrate agronomic rate application of recycled water in the Use Areas*” be included in the NOI. An assessment of the effect of the recycled water on groundwater salts and nutrients should have been already performed through the local SNMPs (as detailed in Finding 13 of the General Order). The requirement to perform this analysis for each and every site is impractical and a waste of resources. Rather, the best way to make sure that water and nutrient loadings are appropriate is to ensure adequate communication between recycled water providers and their customers. In lieu of the required nutrient balances, the Administrator should be required to submit information on its user education and training program (which will include information on agronomic loading) in addition to the other information on its recycled water program required in NOI Section III. If this requirement is not removed, the language in it should be amended to allow for an aggregated analysis for multiple smaller sites in the same class (e.g., urban irrigation) that uses broad assumptions about typical irrigation amounts and plant cover, and that provides a single map and accompanying narrative description.
60. Page A-2, Section II – Recycled Water Application requires submittal of “Descriptions/maps of use areas.” For systems with hundreds or thousands of connections, providing a detailed description and map of each site is not practical or useful. Instead, clarification should be provided indicating that for systems with many small sites, a map identifying the site locations is sufficient.
61. Page B-1, Requirement B-1; page B-1, Requirement B-2; and page B-4 Requirement C-3.b(v) use the term effluent (i.e., “effluent quality,” “treated effluent,” and “effluent violations”). Use of the term effluent is not appropriate when describing recycled water, as it fails to recognize that recycled water is a valuable resource.
62. Page B-2, Requirement B-3.a includes a requirement to monitor annually for the Potentially Present Priority Pollutant List (P4 List) developed as part of the NOA, in

cases where the recycled water production facility has a design production flow for the entire water reuse system of over one million gallons per day. Placement of this requirement under the “User Program” section of the Monitoring and Reporting Program could be construed as meaning that the P4 List monitoring needs to be conducted at each user site, which would be prohibitively expensive. This requirement needs to be moved to Page B-1, Requirement B.1., which lists monitoring requirements to ensure the quality of recycled water produced. Additionally, in accordance with the Recycled Water Policy, monitoring for the P4 List should only be required for recycled water systems that serve landscape irrigation customers covered by the Recycled Water Policy (which doesn’t apply to agricultural irrigation).

63. Page B-2, Requirement B-3.b lists the observation requirements for monitoring at recycled water sites. These requirements are focused on monitoring for irrigation sites and many of the specific requirements are not applicable to other sites such as industrial sites. To remedy this issue, the phrase “*as applicable*” should be inserted after the word “*following*” so it reads, “*...for the following, as applicable.*” In addition, standard observation i. is more appropriate and applies to landscape irrigation projects. For agricultural irrigation, runoff is subject to requirements of waste discharge requirements and conditional waivers. Thus, evidence of such runoff does not mean that the use of recycled water is in violation of this Draft Order. To distinguish between the two, we recommend that i. be revised as follows:

“Evidence of runoff of recycled water from a landscape irrigation ~~the~~ site (show affected area on a sketch, estimate volume).”

64. Page B-2, Requirement B-3.b requires inspections to be conducted while recycled water is being used. This is not practical, as irrigation is done during nighttime hours to minimize evaporation, exposure, and interruptions to recreation. The phrase “*while recycled water is being used*” should be deleted.

65. Page B-3, Recycled Water Monitoring Requirement B-4 states that, “*An Administrator shall also conduct periodic random inspections ... Inspections shall be performed when recycled water is being used.*” Since irrigation using recycled water is generally required to take place when the public is not present, these required inspections, in most cases, would have to occur in the middle of the night. If that is the intent of this section, then that places an undue burden on both Administrators and User Supervisors.

66. Page B-4 Reporting Requirement C-3b(ii) requires that the “*projected annual flow to be delivered*” be reported in the annual report. This is unnecessary since the actual amount delivered during the reporting period is required to be submitted (Reporting Requirement C-3.b(iii)).

67. Page B-4 Reporting Requirement C-3b(vi) requires inclusion in the annual report of “1) An update regarding current and future development of the water recycling

program, including planning, design and construction of facilities, preparation of required reports and technical documents and progress toward regulatory approvals. 2) Progress and evaluation of any special studies or projects being undertaken related to the program.” This proposed Order already includes requirements for the filing of reports and other documents necessary for approval of additional Use Sites. Updating the Regional and/or State Water Boards on internal planning or other reconnaissance work performed are not relevant to the regulation and/or enforcement of this General Order. This requirement should be deleted.

68. Page B-5, footnote \*\*\* states that, “User sites to be inspected a minimum of annually for "Applicable Standard Observations" based on the size and complexity of each site in accordance with the Administrator's Water Recycling Program.” However, title 22 calls for visual inspections to be done “periodically” on the assumption that larger and more complex sites (e.g., schools) would need annual inspections, while uncomplicated sites (e.g., street medians) would need much less frequent inspections. It is suggested that the words “a minimum of annually” be deleted and the words “at a frequency” be inserted after “Applicable Standard Observations”.

Thank you for your consideration. Please contact Dave Smith at 916 669-8401 or [dsmith@watereuse.org](mailto:dsmith@watereuse.org) if you have any questions.

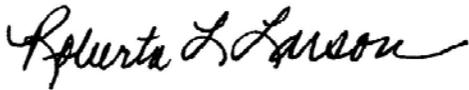
Sincerely,



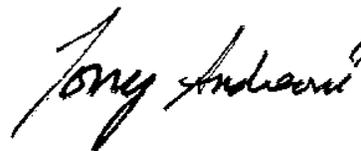
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