



Operations and Permitting Specialists

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Ms. Anne Littlejohn
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Ms. Littlejohn:

On behalf of the City of Live Oak the following comments are offered related to Evaluation of the Municipal and Domestic Supply Beneficial Use (MUN) in Agriculturally Dominated Water Bodies CEQA Scoping

What is the public review and approval process that the California Department of Public Health would use to allow an effluent dominated water body to be utilized as a potential municipal water supply?

The Department of Public Health operates under California regulations related to drinking water including Titles 17 CCR and 22 CCR, Health and Safety code, the Water Code and other codes.

For example Division 104 Part 12 of the Health and Safety Code is related to Drinking Water. For example §116285 reads as follows:

§116285. Before August 6, 1998, this chapter shall not apply to an irrigation canal system if the owner or operator of the system certifies to the department, and notifies each user, in writing, that the water is untreated and is being furnished or supplied solely for agricultural purposes to either of the following:

(a) A user where the user receives the water, by pipe or otherwise, directly from the irrigation canal system.

(b) A person who owns or operates an integrated pipe system where the person receives the water, by pipe or otherwise, directly from the irrigation canal system.

"Irrigation canal system," as used in this section, means a system of water conveyance facilities, including pipes, tunnels, canals, conduits, pumping plants and related facilities operated to furnish or supply water for agricultural purposes where a substantial portion of the facilities is open to the atmosphere.

This section then implies that the Chapter does apply irrigation canals that furnish or supply water for agricultural purposes. It does not state that the chapter applies for agricultural drainage canals.

What regulations allow the water in agricultural drainage canals to be utilized as a municipal water supply source?

§116350 states:

§116350. (a) The department shall administer the provisions of this chapter and all other provisions relating to the regulation of drinking water to protect public health.

§116525 states:

§116525. (a) No person shall operate a public water system unless he or she first submits an application to the department and receives a permit as provided in this chapter. A change in ownership of a public water system shall require the submission of a new application.

How will the Department of Public Health determine the use of water in effluent dominated water bodies, or agricultural drains for use as a potential municipal water supply?

Based on the following how is the use of recycled water to be permitted by the Department of Public Health for use from effluent dominated water bodies, or agricultural drains?

§116551. The department shall not issue a permit to a public water system or amend a valid existing permit for the use of a reservoir as a source of supply that is directly augmented with recycled water, as defined in subdivision (n) of Section 13050 of the Water Code, unless the department does all of the following:

(a) Performs an engineering evaluation that evaluates the proposed treatment technology and finds that the proposed technology will ensure that the recycled water meets or exceeds all applicable primary and secondary drinking water standards and poses no significant threat to public health.

(b) Holds at least three duly noticed public hearings in the area where the recycled water is proposed to be used or supplied for human consumption to receive public testimony on that proposed use. The department shall make available to the public, not less than 10 days prior to the date of the first hearing held pursuant to this subdivision, the evaluations and findings made pursuant to subdivision (a).

§115835. Definitions.

Unless the context otherwise requires, the following definitions shall control the construction of this article:

(c) "Reservoir" does not include ditches, canals, or any similar type of water distributing facility.

§116975 through §117075 list various restrictions related to water supply sources. These restrictions include limitations to grazing, fishing, bathing, and other similar activities.

William P. Lewis