

MEMORANDUM OF AGREEMENT BETWEEN
THE DEPARTMENT OF HEALTH SERVICES
AND
THE STATE WATER RESOURCES CONTROL BOARD
ON USE OF RECLAIMED WATER

This Memorandum of Agreement (hereafter MOA) is made between the Department of Health Services (hereafter Department) and the State Water Resources Control Board (hereafter SWRCB) on behalf of itself and the nine California Regional Water Quality Control Boards (hereafter RWQCBs). This MOA sets forth principles, procedures, and agreements to which these agencies commit themselves relative to use of reclaimed water in California. It is effective upon the date that it is executed by both parties.

I. PURPOSE AND SCOPE OF MOA

Water reclamation involves several activities that have potential impacts on public health. The primary activities are the introduction of pollutants into the wastewater collection system, wastewater treatment, storage and distribution of reclaimed water, and the use of the reclaimed water. The planning, design, construction, and operation of the various facilities associated with these activities all require oversight by regulatory agencies to ensure protection of public health.

This MOA is intended to assure that the respective authority of the Department, the SWRCB, and the RWQCBs relative to use of reclaimed water will be exercised in a coordinated and cohesive manner designed to eliminate overlap of activities, duplication of effort, gaps in regulation, and inconsistency of action. To that end, this establishes basic principles relative to activities of the agencies hereto and the RWQCBs, clarifies primary areas of responsibility and authority between these agencies, and provides for methods and mechanisms necessary to assure ongoing, continuous future coordination of activities relative to use of reclaimed water in this State.

The MOA is intended to serve as an umbrella agreement between the agencies hereto. It will be supplemented, as appropriate, by addenda which will reflect any additional agreements, commitments and understandings arrived at by the agencies hereto. This MOA replaces the previous MOA on use of reclaimed water executed on 5 December 1988.

II. GENERAL BACKGROUND

A. Basic Authorities and Responsibilities

In order to supplement existing surface and ground water supplies to help meet water needs in the State, it is State policy that use of reclaimed water in the State be promoted to the maximum extent (California Water Code, Sections 13510-13512). One of the primary conditions on the use of reclaimed water is protection of public health (Water Code Sections 13521, 13522, 13550(a)(3)).

The Department is the primary State agency responsible for protection of public health and the regulation of drinking water. The Legislature has defined several specific regulatory responsibilities of the Department related directly or indirectly to water reclamation activities including: establishment of statewide water reclamation criteria advising RWQCBs in the drafting of water reclamation requirements (permits); review and approval of certain proposed water reclamation projects; abatement of contamination resulting from use of reclaimed water where public health is seriously threatened; and control of cross connections between potable and nonpotable water systems.

The SWRCB and the RWQCBs are the primary State agencies charged with the protection, coordination, and control of water quality and the assignment of water rights in the State. Specific regulatory responsibilities affecting water reclamation include approval of pollutant source control programs for wastewater collection systems, issuance and enforcement of water reclamation requirements to producers and users of reclaimed water, definition of beneficial uses of surface and ground water bodies through the establishment of water quality control plans, regulation of operators of wastewater and water reclamation treatment plants, and water right determinations regarding water reclamation.

To assure protection of public health where reclaimed water use is involved, the Department has been statutorily directed to establish uniform statewide reclamation criteria for the various uses of reclaimed water (Water Code Section 13521). The Department has promulgated regulatory criteria which are currently set forth in Title 22, Division 4, Section 60301 et seq., California Code of Regulations. The Department's regulatory criteria include specified approved uses of reclaimed water, numerical limitations and requirements, treatment method requirements and performance standards. The Department's regulations allow use of alternative methods of treatment, in some cases, so long as the alternative methods used are determined by the Department to assure equivalent treatment and reliability.

~~B. Water Reclamation Requirements and Reports~~

All persons who reclaim or propose to reclaim water, or who use or propose to use reclaimed water, must file a report with the appropriate RWQCB (Water Code Section 13522.5). If a RWQCB determines that it is necessary to protect public health, safety, or welfare, it may prescribe water reclamation requirements where reclaimed water is used or proposed to be used (Water Code Section **13523**). Where regulatory criteria have been adopted, no person may either reclaim water or use reclaimed water until the appropriate RWQCB has either issued reclamation requirements or waived the necessity for such requirements (Water Code Section 13524). In the process of issuing reclamation requirements, the RWQCBs must consult with and consider recommendations of the Department (Water Code Section 13523). Any reclamation requirements which are issued by the RWQCBs, whether applicable to the claimer or to the user of reclaimed water, must be in conformance with any regulatory reclamation criteria adopted by the

