



MARK B HORTON, MD, MSPH
Director

MAR 10 2008

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend:

COMMENT LETTER – PROPOSED RECYCLED WATER POLICY

The California Department of Public Health (CDPH) has reviewed the revised State Water Resources Control Board's draft Recycled Water Policy (Policy) dated February 15, 2008, and offers the following comments for your consideration.

By letter dated October 26, 2007 (copy attached), CDPH submitted comments to the Board concerning the earlier draft Policy which had been distributed via e-mail on October 2, 2007. CDPH notes that although some of our comments were addressed in the revised draft Policy, others were not. CDPH requests that that Board consider incorporating the following comments into the adopted version of the Policy.

Page 2, item 10; CDPH suggests modifying in accordance with wording noted in bold as follows:

"The California Water Code of Regulations, Title 22, Division 4, Chapter 3, **Water Recycling Criteria**, specify **uses of recycled water**, treatment processes and **performance criteria, operational requirements, monitoring requirements, and reliability features** for ensuring proper **oxidation, filtration and disinfection** of recycled water. They also specify **use site, impoundment, and dual plumbed** requirements for limiting public contact with recycled water to protect public health, **in addition to cross-connection control requirements.**"

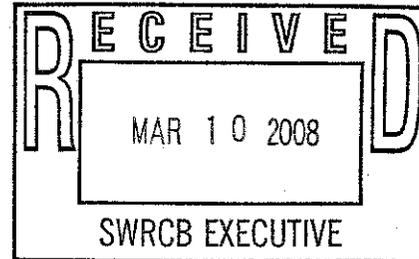
Page 3, item 15; CDPH requests that the term, "recommendations," be changed to "conditions" in the second line.

Page 3, item 17; it is unclear how this would be interpreted or implemented in a Regional Board order for groundwater recharge reuse projects. Use of the terms "certain constituents" and "when hydrologic conditions are appropriate" is extremely ambiguous and could be inappropriately applied by the Regional Water Quality Control Board.

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor



Ms. Jeanine Townsend

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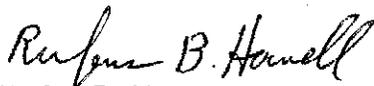
Page 3, item 19; it is unclear what the statement "Such findings issued by CDPH are conditional" is intended to mean. Following a public hearing, the summary of findings and conditions issued by CDPH are considered to be mandatory for the project not to be degrading the quality of the water in the receiving aquifer as a water supply for domestic purpose and protective of public health. Nowhere in Section 13540 is the term "conditional" stated.

Page 12, Requirement Section V, Subsection A; CDPH suggests modifying in accordance with wording noted in bold as follows: "...or waste discharge requirements, **provided such requirements are not in existing regulation, for a water recycling project,...**".

Page 12, Section VIII, Subsections B and C; suggest changing the word "recommendations" to "conditions." CDPH reiterates our previous comment that if any conditions established by CDPH for a proposed groundwater recharge project are modified, changed, or deleted without our consent, then approval of the project by CDPH is withdrawn.

CDPH appreciates the opportunity to review and comment on the Board's draft Water Recycling Criteria. If you have any questions concerning our comments, please contact Mr. Gary Yamamoto, Assistant Chief, Division of Drinking Water and Environmental Management, (916) 449-5577.

Sincerely,



Rufus B. Howell
Acting Deputy Director
Center for Environmental Health

Attachment



MARK B HORTON, MD, MSPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

October 26, 2007

Jeanine Townsend, Acting Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
P.O. Box 100
Sacramento, CA 95814

Dear Ms. Townsend:

The California Department of Public Health (CDPH) has reviewed the State Water Resources Control Board's draft Water Recycling Policy distributed via E-mail on October 2, 2007, and offers the following comments for your consideration.

General Comments

CDPH notes that the definition of "recycled water" under Section 13050(n) of the California Water Code is much broader in scope than the applicability of the Water Recycling Criteria (California Code of Regulations, Title 22, Chapter 3, Sections 60301 to 60355) developed by CDPH. These requirements were developed to strictly address the public health concerns associated with the use of treated municipal wastewater, in whole or in part (CCR, Title 17, section 60302). These requirements do not apply to the reuse of other waste substances as defined under Section 13050(d). CDPH suggest that the differentiation be stated in the policy.

CDPH is in the process of developing comprehensive regulations to address planned groundwater recharge projects using recycled water and will likely clarify that source waters for such use will be limited to those of municipal wastewater origin. CDPH recommends that this differentiation be stated under Resolution No. 4.

CDPH recommends that all current references to "water reclamation requirements" be changed to "water recycling requirements".

Specific Comments:

Page 2, item number 10: CDPH suggests modifying in accordance with wording noted in bold as follows, "The California Code or Regulations, Title 22, Division 4, Chapter r3, **Water Recycling Criteria, specify uses of recycled water, treatment processes and**

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performance criteria, operational requirements, monitoring requirement, and reliability features for ensuring proper **oxidation, filtration and disinfection** of recycled water. They also specify **use site, impoundment, and dual plumbed** requirements for limiting public contact with recycled water to protect public health, in **addition to cross-connection control requirements**.

Page 2, item number 17: It is unclear how this would be interpreted or implemented in a regional board order for groundwater recharge reuse projects. Use of the terms, "certain constituents" and "when hydrologic conditions are appropriate," is extremely ambiguous and could be inappropriately applied by the regional boards.

Page 3, item number 19: The summary of findings and conditions issued by CDPH are considered to be mandatory for the project not to be degrading the quality of the water in the receiving aquifer as a water supply for domestic purpose and protective of public health.

Page 4, item 25: CDPH does not consider the summary of findings and conditions for groundwater recharge projects to be recommendations, but are necessary requirements for CDPH to recommend approval of the project. If any conditions are modified, changed or deleted without consent of CDPH then approval of the project by CDPH is withdrawn.

Page 5, Resolution number 4: See General Comment number 2 above.

Page 5, Resolution number 7: After item (b), insert a new (c) and renumber the succeeding items as follows, "the goal of recycled treatment plants is to operate in a manner that optimizes the removal of pathogens through both the filtration and disinfection processes."

Page 6, Resolution number 10: CDPH recommends that the wording at the beginning be changed to read, "For constituents for which CDPH has established an MCL or has identified limits for public health protection,..." and delete Resolution number 11. CDPH, as its mission, is charged with the responsibility for protecting public health, not the regional boards.

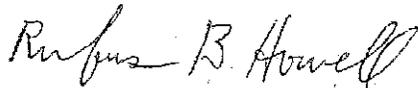
Page 7, Resolution numbers 14 and 15: CDPH suggests replacing these two resolutions with one which reads as follows: "For groundwater recharge reuse projects, the RWQCB shall require the discharger to comply with conditions established by CDPH."

Jane Townsend
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Page 8, Resolution number 19: CDPH suggests modifying in accordance with wording noted in bold as follows – "...or waste discharge requirements, **provided such requirements are not in existing regulations**, for a water recycling project,..."

CDPH applauds your agency's intent to establish uniform procedures and implementation of requirements for water recycling projects and appreciates the opportunity to review and comment on your draft Water Recycling Criteria. If you have any questions concerning our comments, please contact me at (916) 449-5577.

Sincerely,



Rufus B. Howell, Chief
Division of Drinking Water
and Environmental Management