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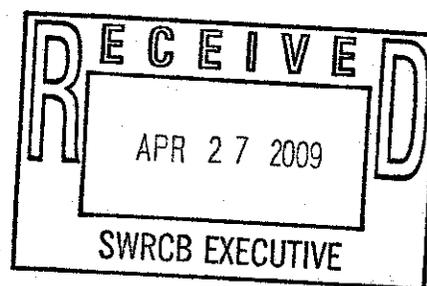
April 27, 2009

Reply to: 813 Sixth Street  
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Via Electronic Mail & U.S. Mail

Charles R. Hoppin, Chair and Members  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

ATTN: Jeanine Townsend, Clerk to the Board  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



RE: **Comment Letter—Landscape Irrigation General Permit**

Dear Chair Hoppin and Members of the Board:

The Association of California Water Agencies, the California Association of Sanitation Agencies and WaterReuse California (collectively, "the Associations") appreciate the opportunity to submit comments on the *Draft General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water* (General Permit). The Associations' members are local public agencies and professionals engaged in the production and distribution of recycled water for beneficial use throughout the State. The Associations were actively engaged in the development of the Recycled Water Policy (Policy), adopted by your Board in early February 2009. We strongly support the Policy's emphasis on streamlining and simplifying permitting for landscape irrigation projects using recycled water. The General Permit must be consistent with and further this important Policy.

As this Board acknowledged in the Policy, the use of recycled water in California is more important today than at any other time in our history. The sustainability of the State's future water supply and economy depend upon increased recycled water use. As California's Recycled Water Task Force recognized in 2003, recycled water is at an artificial, unfair and unnecessary disadvantage compared to other, typically less energy-efficient water sources. The primary reason for this is regulatory inconsistency and overly burdensome requirements in the permitting of recycled water projects. To address this barrier and realize the legislative intent to encourage and increase water recycling, the State enacted AB 1481 (De La Torre). The purpose of AB

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1481 is to develop and adopt a General Permit that increases the safe, reliable use of recycled water for landscape irrigation uses and reduces reliance on potable water sources.

The Associations appreciate the State Water Board's efforts to satisfy the purpose of AB 1481 within the statutory timeframe. We have had an opportunity to discuss the General Permit with your staff and representatives of the California Department of Public Health (CDPH). We generally share the goals of removing unnecessary obstacles to recycled water use, streamlining the use of recycled water for irrigation and conserving potable and other water supplies. The basic structure of the General Permit's operative provisions is sound—requiring compliance with Title 22 of the California Code of Regulations (Title 22), conformance with the required best management practices (BMPs) set forth in the Policy, a menu of additional BMPs, and an operation and maintenance plan.

However, we are very concerned that the proposed General Permit would exclude many existing landscape irrigation projects or otherwise not operate as intended. As explained below and/or in the attached detailed comments, some provisions are inconsistent with the Policy, unnecessarily prescriptive or redundant, and overly burdensome for a permit to water landscapes with recycled water. The General Permit inaccurately or incompletely restates Title 22's requirements in many places. There are also provisions where we agree with the Board's intent, but the language requires clarification. **We urge the Board to significantly revise the General Permit to address these comments and issue a second draft for review.**

**A. The General Permit Should More Clearly Characterize Recycled Water As a Valuable Resource.**

In accordance with AB 1481, the purpose of the General Permit is to increase recycled water use and decrease reliance on potable water sources. The Policy establishes an ambitious goal to increase the use of recycled water over 2002 levels by at least one million acre-feet per year (afy) by 2020 and by at least two million afy by 2030. California has the potential to recycle up to 1.5 million af of water annually by 2030. (*Water Recycling 2003, Recommendations of California's Recycled Water Task Force*, at p. xi.) This resource would free up potable water sources to meet approximately 30 percent of the water demand associated with the significant population growth projected for the state. (*Ibid.*) By reducing the demand for potable and fresh water sources, water recycling also provides water quality benefits (e.g., reduced surface water discharges). The Policy declares that “[w]hen used in compliance with this Policy, Title 22 and all applicable state and federal water quality laws, the State Water Board finds that recycled water is *safe for approved uses*, and *strongly supports* recycled water as a safe alternative to potable water for such approved uses.” (Policy at p. 2, emphasis added.)

As drafted, several findings and prohibitions in the General Permit undermine its purpose and run counter to the Policy. These findings and prohibitions characterize recycled water as a waste rather than valuable resource. For example, the findings generally create the impression that recycled water used to water landscapes is a somehow a water quality threat. This is

inconsistent with the Policy as well as the Water Code. Water Code section 13050(n) defines "recycled water" as "water which, as a result of treatment of waste, is *suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.*" (Emphasis added.) To be consistent with AB 1481, the Water Code and the Policy, the General Permit must characterize recycled water as a valuable resource rather than waste discharge. Accordingly, the Associations respectfully urge the Board to articulate findings that track those in the Policy and expand upon them only to the extent necessary. The General Permit does not allow the use of recycled water that is improperly treated and managed; therefore, the Board can address any potential adverse impacts of the use of recycled water that does not comply with applicable requirements in the staff report.

**B. The Discharge Prohibitions Section Should be Reorganized and Revised.**

1. *Many of the "Prohibitions" Relate to Scope of Coverage and Eligibility.*

Discharge prohibitions set forth in a permit should make clear the actions that are prohibited for permit holders under that specific permit. Several of the discharge prohibitions in the General Permit instead relate to its scope of applicability eligibility for coverage. In particular, Prohibition Nos. 4 and 6 address the scope of the General Permit's applicability. Prohibition No. 4 restates Title 22's requirement that the recycled water is not for human consumption or to process food or drink for humans. Prohibition No. 6 states that the General Permit does not apply to groundwater recharge reuse projects or cooling towers or other industrial uses, respectively. These provisions relate to circumstances outside the landscape irrigation context, which is the subject of the General Permit. Accordingly, we recommend that the Board delete Prohibition Nos. 4 and 6 and address them in a separate, newly created scope of applicability section of the findings.

Similarly, Prohibition Nos. 5, 7 and 8 would prohibit recycled water use under certain circumstances identified by CDPH, even though not inconsistent with or disallowed by Title 22. These are not prohibitions, but rather determinations of eligibility for coverage under the General Permit rather than an individual permit. These types of determinations must be made up front by CDPH in its review of the project engineering report. In addition, the wording of Prohibitions 7 and 8 are insufficiently precise to serve as permit conditions. A permit cannot prohibit a recycler from taking an action because CDPH has "a concern" about a constituent, or where CDPH deems a plumbing schema to be "complex." Permit holders cannot know whether these conditions exist unless CDPH advises them in advance, and therefore there is no opportunity to conform the permit holders' conduct to the prohibition. Instead, CDPH must make these determinations when reviewing the engineering report. Prohibitions 5, 7 and 8 should be deleted.

2. *Prohibitions 3, 11 and 16 Are Substantively Problematic and Should be Revised.*

As explained in the detailed comments, the Associations have substantive concerns with Prohibition Nos. 3, 11, and 16. Prohibition 3 appears intended to preclude the use of recycled water for irrigation of landscapes of single-family homes, but the prohibition itself is much broader and precludes the use of recycled water in any area “zoned” residential, which could include parks, street scapes, multi-family dwellings, and medians, which is not the intent.

Prohibition No. 11 would prohibit the use of recycled water within 50 feet of any surface water without regard to compliance with the Policy, Title 22 and the applicable BMPs or the absence of any water quality threat. This is not a typical requirement for existing landscape irrigation projects and would prevent coverage under the General Permit for these and future projects. For example, a golf course with a dry wash running through the property would not be able to irrigate with recycled water, even if all the incidental runoff BMPs were in place.

Prohibition 16 would preclude the “application” of “any material” that results in a violation of Proposition 65. The purpose of this prohibition is unclear, as Prop 65 addresses sources of drinking water and the recycled water being permitted will be applied to the ground to water plants. Moreover, public agencies are exempt from section 25249.5 of the Health and Safety Code, so it is not clear that this provision would have any effect except where the water purveyor happens to be an investor owned utility. Conversely, if the intent is to preclude the use of recycled water that includes any Prop 65 chemical at any detectable level, this will preclude virtually all irrigation projects, as recycled water—like all water supplies—may include trace amounts of these constituents. We urge that Prohibition 16 be deleted.

**C. Removal or Modification of Overly Prescriptive Provisions Would Increase General Permit Coverage and the Use of Recycled Water for Landscape Irrigation.**

We are concerned that some provisions of the General Permit are so prescriptive as to contravene the Policy and severely limit the permit’s value as an opt-in alternative to existing permit mechanisms. When a general permit is overly detailed and prescriptive, the universe of project proponents that can and will seek coverage under the permit is significantly constrained. For example, Specification No. 12 requires use areas to display a sign to notify the public not to drink the recycled water. The sign must include certain wording and an international symbol similar to that shown in Attachment D of the General Permit. However, Title 22 allows for the use of alternative signage and wording, or an educational program where the alternative provides equivalent notification. (Cal. Code Regs, tit. 22, § 60310.) In practice, recycled water distributors, producers and users find alternative signage and wording more appropriate for some use areas and at least as effective.

The overly prescriptive or specific nature of some of the General Permit’s provisions is most apparent with regard to requirements to monitor and report. These provisions would render

some recycled water projects infeasible. The provisions would also create disincentives for General Permit coverage and for irrigators to use recycled water instead of potable and other water sources. For example, Provision No. 5.C requires multiple levels of documentation for each use site for submittal to the Board before a project may begin. These levels include an operations plan, general irrigation management plan, individualized irrigation management plan, and an approved Title 22 engineering report. Most landscape irrigation projects do not currently require this level of documentation. Moreover, the individualized management plan contravenes the Policy, which requires:

[a]n operations and maintenance plan that *may apply to multiple sites* and provides for detection of leaks, (for example, from broken sprinkler heads), and correction either within 72 hours of learning of the runoff, or prior to the release of 1,000 gallons, whichever occurs first. (Policy at p. 8, emphasis added.)

In addition, the General Permit's requirements in the monitoring and reporting program to monitor daily, conduct weekly site investigations and prepare an annual report for each use area would be excessive and unnecessary for many landscape irrigation projects.

To resolve these issues, the Associations suggest that the Board adopt a "bottom-up" approach. Under this approach, the General Permit would assign, to the fullest extent possible, the responsibility to oversee and administer users' landscape irrigation projects to producers and distributors. This is consistent with current practice and master reclamation permits. (See, for example, Order R2-96-11, the Bay Area general permit for recycled water.) The approach is also consistent with the General Permit's overall strategy to have producers and distributors ensure that users comply with the General Permit. Our detailed comments provide suggested language on how to effect the bottom-up approach.

**D. Clarifications to General Permit Provisions Could Better Express the Board's Intent and Promote Use of the General Permit.**

The detailed comments attached to this letter provide suggested language changes to better reflect what we believe to be the Board's intent in adopting certain General Permit provisions. For example, suggested changes remove references to agriculture as inappropriate since the General Permit is for the use of recycled water for landscape irrigation—not agriculture.

Suggested language changes also clarify enrollment and eligibility under the General Permit. The General Permit should be clearer as to how it relates to existing individual and master reclamation permits. For example, the General Permit should state whether existing waste discharge requirements or water reclamation requirements that regulate landscape irrigation projects are to be rescinded by the Regional Water Boards once the project is covered under the General permit. The General Permit should explain the conditions under which a producer may sign the notice of intent. Provisions should also explain the ability to enroll under

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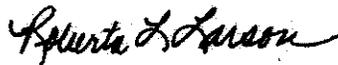
the General Permit or proceed with a project before a salt and nutrient management plan is complete.

Thank you for your time and consideration of our comments. The Associations appreciate the Board's efforts to develop a sensible and useful General Permit that satisfies the goals and intent of the Policy, AB 1481 and Title 22. Our suggestions in this letter and the detailed comments will help the Board develop such a permit and bring California closer to a sustainable water supply future. If widely used, the General Permit would reduce the need for individual permits to irrigate landscape with recycled water and thereby substantially save the Regional Water Boards' scarce resources. We look forward to the opportunity to discuss our comments with State Water Board staff and CDPH and to review a revised draft permit. If you have any questions, please contact Roberta Larson at (916) 446-7979, [blarson@somachlaw.com](mailto:blarson@somachlaw.com) or David Bolland at (916) 441-4545, [DaveB@acwa.com](mailto:DaveB@acwa.com).

Sincerely,



Mark S. Rentz  
Director of Regulatory Affairs  
Association of California Water Agencies



Roberta Larson  
Director of Legal and Regulatory Affairs  
California Association of Sanitation Agencies



Dave Smith, Ph.D  
Managing Director  
WaterReuse California

**Comments on the Draft General Waste Discharge Requirements for  
Landscape Irrigation Uses of Municipal Recycled Water (General Permit)  
April 27, 2009**

1. General Permit Findings

**Finding No. 1:** "The California Legislature has declared its intent to promote the use of recycled water. Recycled water is a valuable resource and significant component of California's water supply. When used in compliance with the Recycled Water Policy, Title 22, and all applicable state and federal water quality laws, the State Water Board finds that recycled water is safe for approved uses, and strongly supports recycled water as a safe alternative to potable water for such approved uses." (Footnotes omitted.)

**Comment No. 1-1:** Recycled water is a safe and reliable alternative to freshwater sources as well as potable water.

**Suggested Language:**

The California Legislature has declared its intent to promote the use of recycled water. Recycled water is a valuable resource and significant component of California's water supply. When used in compliance with the Recycled Water Policy, Title 22, and all applicable state and federal water quality laws, the State Water Board finds that recycled water is safe for approved uses, and strongly supports recycled water as a safe and reliable alternative to freshwater and potable water for such approved uses.

**Finding No. 3:** "Landscape irrigation with recycled water is a viable strategy to reduce potable water demand and to reduce the volume of water wasted after a single use. Specified uses of recycled water considered 'landscape irrigation' projects include any of the following:

- i. Parks, greenbelts, and playgrounds;
- ii. School yards;
- iii. Athletic fields;
- iv. Golf courses;
- v. Cemeteries;
- vi. Residential landscaping, common areas;<sup>5</sup>
- vii. Commercial landscaping, common areas;
- viii. Industrial landscaping, common areas; and
- ix. Freeway, highway, and street landscaping."

Footnote 5: "Individually owned residences are not eligible for coverage under this General Permit. The Regional Water Boards will address individually owned residences on a case-by-case basis."

**Comment No. 1-2:** The General Permit should not restrict the use of tertiary recycled water to the common areas of residential, commercial or industrial sites. Title 22 of the California Code of Regulations (Title 22) does not include such a limitation. If the concern is contact with food or drink, the General Permit finding can address this by less restrictive means. In addition, the General Permit should be clear that Title 22 also does not prohibit the use of tertiary recycled water at individually owned residences. The General Permit should include the use of recycled water for ornamental nursery stock and sod farms. Title 22 allows such uses if the recycled water satisfies at least disinfected secondary-23 standards, including where access by the general public is not restricted.

**Suggested Language:**

Landscape irrigation with recycled water is a viable strategy to reduce potable water and freshwater demand and to reduce the volume of water wasted after a single use. Specified uses of recycled water considered 'landscape irrigation' projects include any of the following:

- i. Parks, greenbelts, and playgrounds;
- ii. School yards;
- iii. Athletic fields;
- iv. Golf courses;
- v. Cemeteries;
- vi. Residential landscaping, common areas;<sup>5</sup>
- vii. Commercial landscaping, ~~common~~ areas designated for eating;
- viii. Industrial landscaping, ~~common~~ areas designated for eating; and
- ix. Freeway, highway, and street landscaping; and
- x. Ornamental nursery stock and sod farms.

[Footnote 5:] While the use of recycled water is permissible and appropriate for ~~individually owned residences, such use is~~ not eligible for coverage under this General Permit. Rather, the Regional Water Boards will address ~~consider permitting the use of recycled water at~~ individually owned residences on a case-by-case basis.

**Finding No. 4:** "Recycled water projects eligible for coverage under this General Permit shall meet the following treatment and use standards: ... d. The Producers and Distributor shall satisfy all applicable requirements of the Recycled Water Policy."

**Comment No. 1-3:** Satisfying all applicable requirements of the Recycled Water Policy should not be an eligibility threshold for coverage under the General Permit. The standard is undefined and ambiguous. For example, it is not clear whether a salt and nutrient plan must be in place before coverage under the General Permit may commence. A complete salt and nutrient plan should not be a prerequisite for coverage since the Recycled Policy imposes no such requirement.

**Suggested Language:**

Recycled water projects eligible for coverage under this General Permit shall meet the following treatment and use standards: ...d. ~~The Producers and Distributor shall satisfy all applicable requirements of the Recycled Water Policy.~~

**Finding No. 5:** "The use of recycled water for landscape irrigation has the following characteristics which can create water quality and public health problems if improperly treated, managed, and regulated: ..."

**Comment No. 1-4:** Finding No. 5 should be deleted. The finding is unnecessary since the General Permit does not authorize or cover the use of improperly treated, managed or regulated recycled water. Moreover, the finding gives the impression that the recycled water is threat to water quality instead of the valuable resource recognized by the Water Code and Recycled Water Policy. In the alternative, Finding No. 5 could be condensed to address the basic need to regulate recycled water under the General Permit (e.g., to manage salinity).

**Finding No. 7:** "This General Permit is applicable to Use Areas where recycled water is used or conveyed for landscape irrigation and is not intended to regulate the treatment of municipal wastewater. Compliance with this General Permit does not relieve permit holders from the obligation to comply with applicable waste discharge requirements for wastewater treatment plants that produce recycled water."

**Comment No. 1-5:** Finding No. 7 needs clarified. It implies that General Permit holders could still need to retain coverage under individual permits for landscape irrigation uses of recycled water.

**Finding No. 8:** "To obtain coverage under this General Permit, the Distributor shall submit a complete Notice of Intent (NOI) form (Attachment B), Operations & Maintenance Plan, and appropriate application fee. The Distributor shall assume responsibility for the administration of the recycled water program authorized pursuant to this General Permit. Where multiple Distributors are involved, a single Distributor shall declare responsibility for the administration of the recycled water program authorized pursuant to this General Permit. All Producer(s) shall also sign the NOI form as appropriate. The Producer and Distributor may be the same entity. Distributors who submit a complete application package, meet the eligibility criteria of this General Permit, and following the conclusion of a thirty (30) day public review period, will typically be authorized to distribute recycled water for landscape irrigation uses."

**Comment No. 1-6:** Finding No. 8 should state that the Producer and/or Distributor may hold the General Permit. In some cases, it might be more effective and efficient for the Producer to be the permittee and regulate the end user(s). The Producer may provide recycled water to multiple distributors for use at various sites. The Producer may have more technical and financial resources available to provide optimal oversight of the use areas. The Producer may have a

broader outlook so as to better assess how to improve recycled water project implementation and oversight under the General Permit. Finally, allowing Producer to submit the NOI and hold the General Permit is consistent with existing permitting practices. For some permits, the Producer and Distributor are co-permittees. (Note that this revision would require other changes throughout the General Permit for purposes of consistency. ACWA, CASA and WaterReuse would gladly help to identify such needed revisions in future correspondence.)

**Suggested Language:**

To obtain coverage under this General Permit, the Producer and/or Distributor shall submit a complete Notice of Intent (NOI) form (Attachment B), Operations & Maintenance Plan, and appropriate application fee. The Producer and/or Distributor shall assume responsibility for the administration of the recycled water program authorized pursuant to this General Permit. Where multiple Producers or Distributors are involved, a single Producer and/or Distributor shall declare responsibility for the administration of the recycled water program authorized pursuant to this General Permit. ~~All Producer(s) shall also sign the NOI form as appropriate.~~ The Producer and Distributor may be the same entity. Producers and/or Distributors who submit a complete application package, meet the eligibility criteria of this General Permit, and following the conclusion of a thirty (30) day public review period, will typically be authorized to distribute recycled water for landscape irrigation uses.

**Finding No. 9:** "The application fee shall be equal to the annual fee, pursuant to CWC section 13260. Fee amounts are specified in Section 2200, Chapter 9, Division 3, Title 23, CCR. Users shall be billed for an annual fee equal to the application fee until coverage under the General Permit has been terminated."

**Comment No. 1-7:** Bill the Producer and/or Distributor—not the User—for the annual fee.

**Suggested Language:**

The application fee shall be equal to the annual fee, pursuant to CWC section 13260. Fee amounts are specified in Section 2200, Chapter 9, Division 3, Title 23, CCR. Producers and/or Distributors, as appropriate, Users shall be billed for an annual fee equal to the application fee until coverage under the General Permit has been terminated.

**Finding No. 11:** "CDPH has conveyed two public health considerations specific to landscape irrigation with recycled water, as follows:

- a. Human exposure to recycled water and its waste constituents during and after irrigation; and
- b. The health risks associated with potential cross-connection and subsequent contamination of potable water systems."

**Comment No. 1-8:** Delete Finding No. 11, which is inappropriate. Title 22 allows for full body contact with tertiary recycled water and assures against the general public's inadvertent and unwilling contact with recycled water. The staff report and/or a slight revision to Finding No. 13 may emphasize that the General Permit protects public health in accordance with Title 22 and the recommendations of the California Department of Public Health (CDPH).

**Finding Nos. 14-21:** Finding Nos. 14 through 21 generally address the sources, potential impacts and management of salinity.

**Comment No. 1-9:** Replace Finding Nos. 14 through 21 with findings from the Recycled Water Policy. Finding Nos. 14 through 21 are unnecessary and characterize recycled water as a waste or water quality threat instead of a valuable resource. The findings also fail to acknowledge that some of the adverse environmental impacts addressed are relevant to other water sources. In addition, Finding No. 14 is unclear as to the water source(s) at issue. The use of "toxicity" and "toxic" in Finding No. 16 is inappropriate. The General Permit should not refer to "agricultural" in Finding No. 18 since the permitted use is for landscape irrigation. Finally, to the extent appropriate, the staff report may address salinity.

**Suggested Language:**

14. Some groundwater basins in the State contain salts and nutrients that exceed or threaten to exceed water quality objectives established in the applicable water quality control plans (Basin Plans), and not all Basin Plans include adequate implementation procedures for achieving or ensuring compliance with the water quality objectives for salt or nutrients. These conditions can be caused by natural soils/conditions discharges of waste, irrigation using surface water, groundwater or recycled water, and water supply augmentation using surface or recycled water. Regulation of recycled water alone will not address these conditions.

15. The intent of the Recycled Water Policy is that salts and nutrients from all sources be managed on a basin-wide or watershed-wide basis in a manner that ensures attainment of water quality objectives and protection of beneficial uses. The appropriate way to address salt and nutrient issues is through the development of regional or subregional salt and nutrient management plans rather than through imposing requirements solely on individual recycled water projects.

**Finding Nos. 23-27:** Finding Nos. 23 through 27 address the need to understand better constituents of emerging concern (CECs) and the ongoing studies and other efforts in this regard. Finding No. 25 reads:

"As required by the Recycled Water Policy, the State Water Board is convening a CEC advisory panel to provide recommendations on CEC monitoring and other topics. The State Water Board has consulted with CDPH, the primary state agency responsible for the protection of public health and the regulation of drinking water standards, in convening

the CEC advisory panel. In accordance with the Recycled Water Policy, this General Permit does not specify CEC monitoring requirements. After the State Water Board takes action on the recommendations of the CEC advisory panel, this General Permit will be reviewed for any needed revisions.”

**Comment No. 1-10:** Delete Finding Nos. 23, 24, 26, and 27, but retain Finding No. 25. Finding No. 25 includes reference to the CEC advisory panel convened under the Recycled Water Policy by the State Water Board in consultation with CDPH. The finding notes that in accordance with the Recycled Water Policy, the General Permit does not specify CEC monitoring requirements. After the State Water Board reviews the recommendations of the CEC advisory panel, the General Permit may be revised to include CEC monitoring requirements. Any statements regarding CECs beyond these in Finding No. 25 are premature and inappropriate.

**Finding No. 28:** “At some Use Areas, recycled water is discharged into landscape irrigation impoundments that function as storage for irrigation and may also serve an aesthetic purpose. Some impoundments were originally designed and constructed to collect storm water runoff from surrounding areas and allowed to overflow excess water into nearby drainage ways and creeks. Recycled water used for irrigation of golf courses, parks, or other open spaces and landscaped areas may occur in areas containing numerous hills and sloped areas that would promote runoff unless closely managed during irrigation. In some cases, various chemicals (e.g., copper sulfate, acrolein, etc.) may be added to impoundments for weed, algae, and vector control.”

**Comment 1-11:** Delete Finding No. 28 or revise the last sentence to reflect that the chemicals are typically added to these kinds of impoundments regardless of the water supply. To imply that recycled water is the cause of the addition of the chemicals is inaccurate.

**Suggested Language:**

**Preferred:**

~~At some Use Areas, recycled water is discharged into landscape irrigation impoundments that function as storage for irrigation and may also serve an aesthetic purpose. Some impoundments were originally designed and constructed to collect storm water runoff from surrounding areas and allowed to overflow excess water into nearby drainage ways and creeks. Recycled water used for irrigation of golf courses, parks, or other open spaces and landscaped areas may occur in areas containing numerous hills and sloped areas that would promote runoff unless closely managed during irrigation. In some cases, various chemicals (e.g., copper sulfate, acrolein, etc.) may be added to impoundments for weed, algae, and vector control.~~

**Alternative:**

At some Use Areas, recycled water is discharged into landscape irrigation impoundments that function as storage for irrigation and may also serve an aesthetic purpose. Some impoundments were originally designed and constructed to collect storm water runoff from surrounding areas and allowed to overflow excess water into nearby drainage ways and creeks. Recycled water used for irrigation of golf courses, parks, or other open spaces and landscaped areas may occur in areas containing numerous hills and sloped areas that would promote runoff unless closely managed during irrigation. In some cases, various chemicals (e.g., copper sulfate, acrolein, etc.) may be added to impoundments for weed, algae, and vector control as is done with impoundments for potable water.

**Finding No. 38:** "The information required by this General Permit is necessary to determine compliance with this General Permit and to ensure compliance with the CWC and the Title 22 Requirements. Improper use or discharge of recycled water represents a threat to the quality of waters of the state and to human health and the environment. A completed NOI form identifies the entities responsible for ensuring proper production, distribution, and/or use of recycled water in accordance with this General Permit."

**Comment No. 1-12:** Delete or modify the second sentence of Finding No. 38. The General Permit does not authorize the improper use or discharge of recycled water. The sentence also inaccurately characterizes tertiary recycled water.

**Suggested Language:**

**Preferred:**

The information required by this General Permit is necessary to determine compliance with this General Permit and to ensure compliance with the CWC and the Title 22 Requirements. ~~Improper use or discharge of recycled water represents a threat to the quality of waters of the state and to human health and the environment.~~ A completed NOI form identifies the entities responsible for ensuring proper production, distribution, and/or use of recycled water in accordance with this General Permit.

**Alternative:**

The information required by this General Permit is necessary to determine compliance with this General Permit and to ensure compliance with the CWC and the Title 22 Requirements. Improper use or discharge of recycled water represents a potential threat to the quality of waters of the state and to human health and the environment. A completed NOI form identifies the entities responsible for ensuring proper production, distribution, and/or use of recycled water in accordance with this General Permit.

**Finding Nos. 43 and 45:** "43. Degradation of groundwater by constituents in recycled water after effective source control, treatment, and control may be determined consistent with maximum benefit to the people of California. ..."

45. Degradation of groundwater by some of the typical waste constituents released with discharges from a municipal WWTP after effective source control, treatment, and use control is consistent with maximum benefit to the people of the State. ...”

**Comment 1-13:** Revise the first sentence of Finding Nos. 43 and 45 to be consistent and clarify that control and treatment measures used are in accordance with Title 22, any CDPH recommendations and the applicable best management practices (BMPs). Finding No. 45 describes recycled water as a waste instead of a valuable resource.

**Suggested Language:**

43. Degradation of groundwater by constituents in recycled water after effective source control, treatment, and use control performed in accordance with Title 22 of the California Code of Regulations, any recommendations by CDPH and applicable BMPs ~~may be determined~~ is consistent with maximum benefit to the people of California. ...

45. Degradation of groundwater by some of the typical waste constituents released with discharges from a municipal WWTP after effective source control, treatment, and use control performed in accordance with Title 22 of the California Code of Regulations, any recommendations by CDPH and applicable BMPs is consistent with maximum benefit to the people of the State. ...

**Finding No. 44:** “This General Permit establishes terms and conditions of discharge to ensure that the discharge does not unreasonably affect present and anticipated beneficial uses of groundwater and surface water for the following reasons: ... c. Discharge to surface waters, unless otherwise authorized by an NPDES permit, is prohibited.”

**Comment No. 1-14:** Revise Finding No. 44 to clarify that discharges to waters of the United States are prohibited unless authorized by a permit under the National Pollutant Discharge Elimination System (NPDES) program.

**Suggested Language:**

This General Permit establishes terms and conditions of discharge to ensure that the discharge does not unreasonably affect present and anticipated beneficial uses of groundwater and surface water for the following reasons: ... c. Discharges from Use Areas to surface-waters of the United States, unless otherwise authorized by an NPDES permit, is ~~are~~ prohibited.

2. Operative Provisions

**Prohibition No. 1:** “The use of recycled water pursuant to this General Permit is prohibited unless the Producer(s) and Distributor(s) have submitted a complete Notice of

Intent (NOI) form, Operation & Maintenance Plan, and application fee and have received confirmation of enrollment under this General Permit.”

**Comment No. 2-1:** Revise to clarify that the Producer and/or may be the permittee instead of only the Distributor.

**Suggested Language:**

The use of recycled water pursuant to this General Permit is prohibited unless the Producer(s) and/or Distributor(s) have submitted a complete Notice of Intent (NOI) form, Operation & Maintenance Plan, and application fee and have received confirmation of enrollment under this General Permit.

**Prohibition No. 3:** “The use of recycled water, pursuant to this General Permit, for property zoned as ‘single family residential’ is prohibited.”

**Comment No. 2-2:** Eliminate the use of “zoned” in Prohibition No. 3. “Zone” is too broad and would prohibit the use of recycled water to irrigate landscape that the General Permit purports to cover (e.g., parks, street scapes, multi-family dwellings, and medians) where the actual use is permissible under the zoning designation.

**Prohibition No. 4:** “In conformance with Title 22 Requirements, recycled water shall not be used for direct human consumption or for the processing of food or drink intended for human consumption.”

**Comment No. 2-3:** Delete Prohibition No. 4, which relates to the scope of when the General Permit applies. The prohibition merely restates Title 22’s requirement that recycled water is not for human consumption or to process food or drink for humans. A newly created scope of applicability section in the General Permit’s findings may address the Title 22 requirement in the prohibition.

**Prohibition Nos. 5, 7 and 8:** “5. The use of recycled water for landscape irrigation, pursuant to this General Permit, within a Groundwater Recharge Reuse Project is prohibited.

7. The use of recycled water, pursuant to this General Permit, at use areas with an unusually complex plumbing schema, as determined by CDPH, that results in a high risk of cross-connection contamination with potable water supplies, is prohibited.

8. The use of recycled water, pursuant to this General Permit, where there is evidence that Emerging Constituents/Chemicals of Emerging Concern (CECs) are a concern, as determined by CDPH, is prohibited.”

**Comment No. 2-4:** Delete Prohibition Nos. 5, 7 and 8 and include a finding as suggested below to address the criteria at issue in the prohibitions. Prohibitions 5,

7, and 8 are threshold eligibility requirements, which should be considered at the time CDPH reviews the engineering report. These criteria are not appropriate as discharge prohibitions.

**Suggested Language:**

New Finding No. \_\_\_\_:

Prior to recycled water use, Title 22 requires Producers and Distributors to submit an engineering report prepared by a registered engineer experienced in wastewater treatment. CDPH reviews the engineering reports, which must describe the recycled water system design and means for compliance with Title 22 and other applicable legal requirements. As part of this review, CDPH considers factors that include the plumbing scheme and use.

**Prohibition No. 6:** "The use of recycled water, pursuant to this General Permit, in cooling towers or other industrial uses is prohibited."

**Comment No. 2-5:** Delete Prohibition No. 6 as it addresses the scope of the General Permit's applicability and therefore is not appropriate as a prohibition. A newly created scope of applicability section in the findings of the General Permit may specify that it does not cover industrial uses of recycled water, such as cooling towers.

**Prohibition No. 10:** "The direct or indirect discharge from use areas of recycled water to surface waters, either perennial or ephemeral, including wetlands, vernal pools, etc. is prohibited, unless otherwise authorized by an NPDES permit."

**Comment No. 2-6:** Revise Prohibition No. 10 to clarify that discharges to waters of the United States are prohibited unless authorized by a permit under the NPDES program.

The direct or indirect discharge from use areas of recycled water to surface waters of the United States, either perennial or ephemeral, including wetlands, vernal pools, etc. is prohibited, unless otherwise authorized by an NPDES permit.

**Suggested Language:**

**Prohibition No. 11:** "The application of recycled water within fifty (50) feet, and storage of recycled water within one hundred (100) feet of a domestic well, unless approved by CDPH, and the application of recycled water within fifty (50) feet of surface water is prohibited."

**Comment No. 2-7:** Revise Prohibition No. 11 to refer to "impoundment" instead of "storage" and delete the 50-foot application requirement. Title 22 does not prohibit the storage of tertiary recycled water within 100 feet of a domestic

well—just an impoundment. This distinction is important since unlined ponds may affect nearby wells, but a concrete or steel storage tank would not. Further, Title 22 does not prohibit irrigation within 50 feet of surface water. This overly restrictive requirement would impact many irrigation sites or preclude their coverage under the General Permit. BMPs and Prohibition No. 10 already address any related concerns.

**Suggested Language:**

The application of recycled water within fifty (50) feet of a domestic well, and storage ~~the impoundment~~ of recycled water within one hundred (100) feet of a domestic well, unless approved by CDPH, ~~and the application of recycled water within fifty (50) feet of surface water is prohibited.~~

**Prohibition No. 12:** “Use or installation of hose bibbs on any irrigation system presently operating or designed to operate with recycled water, regardless of construction or identification, is prohibited.”

**Comment 2-8:** Modify Prohibition No. 12 to comply with section 60310(i) of Title 22, which prohibits the use of hose bibbs only in areas subject to access by the general public. Section 60310(i) allows the use of quick couplers in such areas instead.

**Suggested Language:**

The portions of the recycled water piping system that are in areas subject to access by the general public shall not include any hose bibbs. Only quick couplers that differ from those used on the potable water system shall be used on the portions of the recycled water piping system in areas subject to public access.

**Prohibition No. 13:** “Use of any equipment or facilities that have been used to convey recycled water (e.g., tanks, temporary piping or valves, and portable pumps) also used for potable water supply conveyance, is prohibited.”

**Comment No. 2-9:** Delete or modify Prohibition 13. It seems to foreclose indefinitely the use of facilities (e.g., pumps or tanks) previously operated for recycled water systems to convey potable water. This requirement is unnecessary. However, the General Permit could prohibit interchangeable uses.

**Prohibition No. 16:** “The application of any material that results in a violation of the Safe Drinking Water and Toxic Enforcement Act (Health and Safety Code section 25249.5) is prohibited.”

**Comment No. 2-10:** Delete Prohibition No. 16. Its purpose is unclear since Proposition 65 addresses sources of drinking water and the recycled water being permitted will irrigate plants. Moreover, public agencies are exempt from

section 25249.5 of the Health and Safety Code, so the prohibition may be superfluous except where the water purveyor happens to be an investor-owned utility. Conversely, if the purpose is to prohibit recycled water use that includes any Proposition 65 chemical at any detectable level, the result would be to preclude almost all irrigation projects from coverage under the General Permit. Recycled water—like all water supplies—may contain trace amounts of these constituents.

**Specification Nos. 4 through 6:** “4. Application of waste constituents to the Use Area shall be at reasonable agronomic rates and shall consider soil, climate, and nutrient demand. Application rates shall ensure that a nuisance is not created. Degradation of groundwater, considering soil, climate, and nutrient demand, shall be minimized consistent with applicable provisions of the Recycled Water Policy.

5. The seasonal nutritive loading of the Use Area including the nutritive value of organic and chemical fertilizers and of the recycled water, shall not exceed the nutritive demand of the landscape.

6. Use Areas that are spray irrigated and allow public access shall be irrigated during periods of minimal use (e.g., between 9 p.m. and 6 a.m.). Consideration shall be given to allow maximum drying time prior to subsequent public use.”

**Comment No. 2-11:** Revise Specification No. 4’s reference to “waste constituents” and use the language of the Recycled Water Policy. Delete Specification No. 5, and delete or revise Specification No. 6. Specification No. 4 inappropriately characterizes tertiary recycled water as “waste constituents.” Neither Specification No. 4 nor 5 tracks the language carefully chosen for the Recycled Water Policy through its stakeholder-driven process. In addition, Specification No. 5 is redundant with Specification No. 4. Specification No. 6 is vague and exceeds the standards in Title 22 as well as CDPH project-specific recommendations for disinfected tertiary recycled water.

**Suggested Language:**

Application of recycled waterwaste-constituents to the Use Area shall in amounts and rates as needed for the landscape (i.e., at agronomic rates and not when the soil is saturated)~~be at reasonable agronomic rates and shall consider soil, climate, and nutrient demand~~. Application rates shall ensure that a nuisance is not created. Degradation of groundwater, considering soil, climate, and nutrient demand, shall be minimized consistent with applicable provisions of the Recycled Water Policy.

~~5. The seasonal nutritive loading of the Use Area including the nutritive value of organic and chemical fertilizers and of the recycled water, shall not exceed the nutritive demand of the landscape.~~

~~6. Use Areas that are spray irrigated and allow public access shall be irrigated during periods of minimal use (e.g., between 9 p.m. and 6 a.m.). Consideration shall be given to allow maximum drying time prior to subsequent public use.~~

**Alternative for Specification No. 6:**

Use Areas that are spray irrigated and allow public access shall be irrigated during periods of minimal use (e.g., between 9 p.m. and 6 a.m.). ~~Consideration shall be given to allow maximum drying time prior to subsequent public use.~~ Irrigation may take place during periods when the general public may be present if the irrigation system is manually controlled and monitored by Use Site staff to prevent unintentional contact with the general public.

**Specification No. 7:** "All reclamation equipment, pumps, piping, valves, and outlets shall be appropriately marked to differentiate them from potable facilities. All reclamation distribution system piping shall be purple or adequately identified with purple tape, tags, or stickers per Section 116815(a) of the California Health and Safety Code."

**Comment No. 2-12:** Revise Specification No. 7 so that it cannot be interpreted to require that all irrigation piping at each Use Site be replaced with purple pipe or have tags, tape or stickers applied to the existing pipe. CDPH and the local health departments require this level of pipeline identification only for new pipelines during installation or on replacement pipelines.

**Suggested Language:**

All reclamation recycled water equipment, pumps, piping, valves, and outlets shall be appropriately marked to differentiate them from potable facilities. All reclamation newly installed or replacement recycled water distribution system piping shall be purple or adequately identified with purple tape, tags, or stickers per Section 116815(a) of the California Health and Safety Code.

**Specification No. 9:** "A 4-foot horizontal and 1-foot vertical separation shall be maintained between all pipelines transporting recycled water and those transporting domestic water. Domestic water pipelines shall be configured above recycled water pipelines." (Footnote omitted.)

**Comment No. 2-13:** Delete Specification No. 9 or modify it to allow for variances. This requirement is for construction of the main transmission lines, and does not apply to irrigation lines (onsite retrofit work). This will make projects not cost effective for conversion from potable to recycled water.

**Specification No. 11:** "The main shutoff valve downstream of the recycled water meter shall be tagged with a recycled water warning sign. The valve shall be equipped with an appropriate locking device to prevent unauthorized operation of the valve."

**Comment No. 2-14:** Revise Specification No. 11 to reflect that recycled water is not a hazardous or dangerous material.

**Suggested Language:**

The main shutoff valve downstream of the recycled water meter shall be tagged or otherwise labeled with a recycled water notification warning sign. The valve shall be equipped with an appropriate locking device to prevent unauthorized operation of the valve.

**Specification No. 12:** "Signs with proper wording (in English and Spanish) of a size no less than four inches high by eight inches wide shall be placed at all areas of public access and around the perimeter of all areas of recycled water use or conveyance to alert the public of the use of recycled water. All signs shall display an international symbol similar to that shown in Attachment D and present the following wording:

'RECYCLED WATER—DO NOT DRINK'

'AGUA DE DESPERDICIO RECLAMADA—POR FAVOR NO TOME'

**Comment No. 2-15:** Specification No. 12 should allow for the use of alternative signage in accordance with Title 22 and not refer to recycled water as "wastewater." Consistent with Title 22, many agencies develop and use alternative signage that is more appropriate for the use site and provides at least as effective notification as that in Specification No. 12. "Agua de desperdicio reclamada" translates to "reclaimed wastewater." This is inconsistent with the Water Code and Recycled Water Policy.

**Provision No. 1:** "A duly authorized representative for each Producer and Distributor shall each sign the completed NOI form (Attachment B). Enforcement actions for violations of this General Permit may be taken against all responsible entities for violations of any part of this General Permit. However, in general, responsibilities for Producers and Distributors are as follows: ... c. The Producer and Distributor shall be responsible for the application and use of recycled water in the respective Use Areas and for associated operations and maintenance in accordance with all applicable Title 22 requirements and this General Permit. The Producer and Distributor are also responsible for ensuring that Users maintain the minimum land application acreage and impoundment capacity to comply with the terms and conditions of this General Permit."

**Comment No. 2-16:** Delete the last sentence of Provision No. 1.c or delete from it "minimum land application acreage." The phrase is ambiguous, and the significance of and means for maintaining any particular acreage is unclear. Further, the General Permit limits the amount of recycled water authorized to irrigate a landscape to its demand. This ensures that the amount of water used to irrigate will shrink as the Use Area shrinks.

**Suggested Language:**

**Preferred:**

A duly authorized representative for each Producer and/or Distributor shall each sign the completed NOI form (Attachment B). Enforcement actions for violations of this General Permit may be taken against all responsible entities for violations of any part of this General Permit. However, in general, responsibilities for Producers and Distributors are as follows: ... c. The Producer and Distributor shall be responsible for the application and use of recycled water in the respective Use Areas and for associated operations and maintenance in accordance with all applicable Title 22 requirements and this General Permit. ~~The Producer and Distributor are also responsible for ensuring that Users maintain the minimum land application acreage and impoundment capacity to comply with the terms and conditions of this General Permit.~~

**Alternative:**

A duly authorized representative for each Producer and/or Distributor shall each sign the completed NOI form (Attachment B). Enforcement actions for violations of this General Permit may be taken against all responsible entities for violations of any part of this General Permit. However, in general, responsibilities for Producers and Distributors are as follows: ... c. The Producer and Distributor shall be responsible for the application and use of recycled water in the respective Use Areas and for associated operations and maintenance in accordance with all applicable Title 22 requirements and this General Permit. The Producer and Distributor are also responsible for ensuring that Users maintain ~~the minimum land application acreage and~~ any necessary impoundment capacity to comply with the terms and conditions of this General Permit.

**Provision No. 5:** "Prior to commencing irrigation with recycled water, the Distributor shall submit an Operations and Maintenance Plan (O&M Plan) to the State Water Board. An O&M Plan shall contain the following elements: ..."

**Comment No. 2-17:** Revise Provision 5 to be consistent with the Recycled Water Policy—delete the requirement for an individual Irrigation Management Plan and require Provisions 5.c through 5.g in the NOI. The contents of the O&M Plan are overly prescriptive, inconsistent with existing permit requirements and violate the spirit of the Recycled Water Policy and goals of the General Permit. As a result, the O&M Plan requirements would discourage coverage under the General Permit. If characteristics of a given site require special mention (e.g., Provisions 5.b.i through 5.b.vi), the O&M Plan may identify such characteristics. This would allow an O&M Plan to cover multiple sites as appropriate, which the Recycled Water Policy specifically calls for with regard to such plans.

**Suggested Language:**

Rewrite Provision 5 to read in its entirety:

Each landscape irrigation project shall be subject to an operations and management plan (O&M Plan) that may apply to multiple sites, specify the agronomic rate(s) and describe a set of reasonably practicable measures to ensure application at rates needed for the landscape. The O&M Plan may include water budgets for the use areas, site supervisor training, periodic inspections, tiered rate structures, the use of smart controllers, or other appropriate measures.

**Provision No. 15:** "The unauthorized discharge of 50,000 gallons or more of 'disinfected tertiary recycled water' shall be reported as described in Provision C.14."

**Comment No. 2-18:** Delete the requirement to notify the Office of Emergency Services (OES). Water Code section 13529.2 requires notice of an unauthorized release of 50,000 gallons or more of recycled water to the appropriate regional water quality control board, but not OES.

**Suggested Language:**

The unauthorized discharge of 50,000 gallons or more of "disinfected tertiary recycled water" shall be reported as described in Provision C.14, except that consistent with Water Code section 13529.2, no notice is required for the Office of Emergency Services.

3. Monitoring and Reporting Program (MRP)

The daily potable water, recycled water, and nutrient monitoring and weekly site inspections proposed in the draft General Permit represent a significant administrative burden and cost to each recycled water user and/or the Producer/Distributor. These requirements would be a significant disincentive to increased or continued recycled water use. The level of recycled water monitoring and reporting needed for the General Permit must satisfy Water Code section 13267(b)(1):

The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

**Recycled Water Use Area requirement to monitor parameters (MRP at p. 1):**  
"Recycled Water Use Areas shall be monitored for the following parameters ..."

**Comment No. 3-1:** The list of parameters to report on a daily basis is inconsistent with existing permits and recycled water customer billing cycles and

otherwise inappropriate. Generally, such monitoring should be no more than monthly or bi-monthly depending on the billing cycle. To collect and tabulate the data from multiple (even hundreds) of use sites on a daily basis would prevent practical use of—and therefore coverage under—the General Permit. In addition, it would be infeasible in many cases to determine the “volume of additional water.” For example, it would require each site to install and maintain a rain gage. Many sites may not have potable water meters. Requiring site-specific monitoring of nitrogen contradicts the Recycled Water Policy. The Recycled Water Policy calls for basin-wide salinity and nutrient management plans and rejects individualized monitoring. If the General Permit requires nitrogen monitoring, the permittee should determine and report the application rate as an annual average. Alternatively, the permittee could provide information regarding the nitrogen content of the recycled water to users as part of training or other communication.

**Recycled Water Use Area requirement to examine application areas and impoundments (MRP at pp. 1-2):** “The Distributor shall ensure that the condition of application areas and impoundments are examined once per week following irrigation events and visual observations are written in a bound logbook unique for each Recycled Water Area. The logbook shall include the following information: ...”

**Comment No. 3-2:** The requirement for weekly inspections is unnecessary and an unreasonable use of scarce resources. Instead, the Producer or Distributor should ensure that periodic inspections are conducted of the Use Areas at intervals appropriate to the use and site. The State Water Board should revise the MRP so that detailed information required in the logbook relates only to incidents and not typical operations compliant with the General Permit.

**Distributor Reporting requirements (MRP at pp. 2-3):** “By the 15 of April each year, the Distributor shall ...”

**Comment No. 3-3:** Replace the Distributor Reporting requirements, which are overly burdensome and would discourage or prevent coverage under the General Permit. At a minimum, the MRP should specify in no. 2 of the Distributor Reporting requirements the personnel the Distributor must identify (e.g., supervisors, treatment plant operators). “All persons involved” is too open-ended.

**Suggested Language:**

Replace the Distributor Reporting requirements in their entirety as follows:

### **REPORTING REQUIREMENTS**

#### **1. Significant Violation Reporting**

Violations of the reuse criteria in Title 22 of the California Department of Public

Health that impact or threaten to impact public health or water quality shall be reported to the appropriate regional water quality control board by phone or electronic means within 24 hours of determining that a violation has occurred followed by a written report within 15 days that describes corrective actions taken.

**2. Annual Report to the State Water Resources Control Board (State Water Board)**

An annual report for each calendar year shall be submitted to the State Water Board by the Producer or Distributor by March 15 of each year. The report shall contain a statement by the reporting official, under penalty of perjury, that to the best of the signer's knowledge the report is true and correct.

The report shall include:

- a. Tabulation of self-monitoring program recycled water analyses.
- b. A tabular summary of recycled water use by billing period by each User.
- c. A list of new authorized recycled water Users, including the name of customers, application, source and projected annual flow to be delivered.
- d. A summary of the total daily recycled water delivered by the Producer or Distributor.
- e. Tabulation of User site inspections conducted by the Producer or Distributor.
- f. A summary of effluent violations related to recycled water use, violations found during inspection of reuse sites, corrective actions taken and any changes to, or revoking of User authorizations by the Producer or Distributor.

In addition there shall be a comprehensive discussion of the progress and results of the water recycling program. The discussion shall also include:

- g. 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.

Progress and evaluation of any special studies or projects being undertaken related to the program.

**4. Attachment C—BMPs**

We support the general approach for BMPs in Attachment C whereby the use of the first four BMPs are mandatory and the remaining strategies are optional to tailor practices to site needs. However, the State Water Board should revise Attachment C to make this general approach more clear. For example, the first section could remain titled "Required

**BMPs.” A second section that includes the optional practices could be titled “Optional Management Strategies.”**

**In addition, we heard from many member agencies and end users (including the golf industry) concerns about the number of optional strategies identified in the menu approach. We also heard concerns about the substance and prescriptive nature of some of the optional strategies as well as the potential for regulatory creep—i.e., that some options may become required. Many of the BMP’s are not feasible or cost prohibitive for end users. We respectfully urge you to consider these concerns expressed by our member agencies and end users in their individual comment letters on the General Permit.**