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September 12, 2017

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
PO Box 100, Sacramento, CA 95812

SENT BY ELECTRONIC MAIL

Re: Comments - Proposed SWA Regulations

Dear Ms. Townsend:

Please accept these comments on behalf of Heal the Ocean (HTO). HTO has been actively involved in recycled water planning and advocacy for a number of years, bringing engineers and consultants to Santa Barbara south coast Wastewater Treatment and Water Treatment managers to help them apply for Proposition 1 grants to upgrade Wastewater Treatment Plants (WWTPs) to recycled water plants. The establishment of Surface Water Augmentation Using Recycled Water (SWA) regulations is an extremely important step for recycled water programs to be implemented successfully throughout the State.

General Comment:

HTO agrees with the State Board that time is of the essence to move forward with the proposed regulatory action, in that California is experiencing limited availability of new surface water sources, as well as overuse of groundwater sources, and suffering the effect of climate change, including the potential for more frequent severe droughts along with continued population growth. We agree that to meet the objective of the California Safe Drinking Water Act (SDWA) it is imperative to move forward with regulations governing the placement of recycled water into a surface water reservoir that is used as a source of domestic drinking water supply (surface water augmentation (SWA)). This method of delivering more water to a reservoir for further purification before delivery to the public is far more "palatable" – and safer - than direct delivery of recycled water to customers for human consumption. It is an important step for the State to be taking.

By drawing authority from the existing Water Code, Health and Safety Code, and existing indirect potable reuse (IPR) regulations, the State Water Resources Control Board has established reliability in the monitoring and regulating of new SWA projects. The Proposed Regulations include strong timelines and monitoring requirements, as well as advanced treatment criteria. In particular, the adoption of Article 5.3, Chapter 3, Division 4 Sections 60320.304 pertaining to minimum requirements related to the analyses of chemicals, contaminants and pollutants are an important safeguard to Surface Water Augmentation.

Important note(s):

- 1) Throughout the SWA document (p. 12 Section 60320.308(c); p. 14 (60320.312 (a) (1) et al; p. 17 (b)1), et al, there are numerous references to contingency plans and corrective actions in the event of failure or contamination of the reservoir water supply, with most descriptions having to do with notification of State or Regional Water Boards. Nowhere in the document is language that spells out specifics for physical remediation/removal of contaminated water from the drinking water supply.

Therefore, in Article 5.3 Section 60320.301 part (1) re: Corrective Action, insert before the existing (2) a new section (2) that states (2) **“The procedures a SWSAP WRA will implement for providing an alternate source of water supply while a compromised reservoir is remediated.”**

(Then revise the following section re: notifying a State or Regional Board as (3).

- 2) Section 60320.301 part (d): Delete “may” with “will” – i.e., “If a SWSAP WRA fails to complete compliance monitoring required by this Article, compliance **will** be determined by...”
- 3) Section 60320.301(a) of Article 5.3, Chapter 3 – referred to on p. 25 of document describes emergency plan and operations plan required to deliver drinking water should standards not be met and/or that the SWSAP been degraded such that it is no longer a safe source of drinking water – please see our comment above re: the **procedures a SWSAP WRA will implement for providing an alternate source of water while a compromised reservoir is remediated”** and add to this section.

Conclusion:

Despite our request that that the SWA document include important caveats in the event of surface water augmentation failure, Heal the Ocean urges the State Water Resources Control Board to amend California Code of Regulations, Title 22, Division 4, Chapters 3 and 17, for the purpose of establishing regulations governing the planned placement of recycled water into a surface water reservoir that is used as a source of domestic drinking water supply, specifically Amending Article 1, Chapter 3; Adopting Article 5.3, Chapter 3, Division 4; and Adopting Article 9, Chapter 17, Division 4.

We look forward to the final regulations being released so that surface water augmentation projects can be implemented throughout California. It is sorely needed.

Sincerely,



Hillary Hauser, Executive Director



Alex Bennett, Policy Analyst