



San Diego County Water Authority

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September 12, 2017

MEMBER AGENCIES

- Carlsbad Municipal Water District
- City of Del Mar
- City of Escondido
- City of National City
- City of Oceanside
- City of Poway
- City of San Diego
- Fallbrook Public Utility District
- Helix Water District
- Lakeside Water District
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- Otay Water District
- Padre Dam Municipal Water District
- Camp Pendleton Marine Corps Base
- Rainbow Municipal Water District
- Ramona Municipal Water District
- Rincon del Diablo Municipal Water District
- San Dieguito Water District
- Santa Fe Irrigation District
- South Bay Irrigation District
- Vallecitos Water District
- Valley Center Municipal Water District
- Vista Irrigation District
- Yuima Municipal Water District

**Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board**

**P.O. Box 100
Sacramento, CA 95812-0100**

Subject: Comments – Proposed SWA Regulations

Dear Clerk Townsend and Members of the Board:

The San Diego County Water Authority is a wholesale water supplier serving 24 member agencies and a population of 3.3 million residents in the San Diego Region. The next increment of water supply for the San Diego Region will come from potable reuse projects being implemented by the Water Authority's member agencies. Potable reuse projects in the San Diego region are currently in the planning and design phase and will be directly covered by the requirements of the proposed Surface Water Augmentation Regulations. The San Diego Pure Water Program and East County Advanced Treatment Programs have been conducting significant research and developing project plans that have provided important technical information considered in the development of these regulations.

We appreciate the efforts of Division of Drinking Water staff in working with our member agencies to advance safe and reliable potable reuse in the San Diego Region, and their extensive work in development of these regulations. The regulations, as proposed, provide a well thought out framework that allows for flexibility needed to address unique circumstances around the state, while providing important criteria to ensure the protection of public health. We have developed a number of specific recommendations for changes to the language in the regulations based on current project implementation that are intended to provide clarity to the regulatory requirements and align with current permitting processes. These recommendations are included in the attachment to this letter. Some of our key issues are described below in more detail:

Alternative Compliance for Reservoir Detention Time

We support the flexibility provided in Section 64668.30 of the regulations that will allow detention times in the reservoirs to be reduced to a minimum of sixty days. This flexibility will allow water suppliers to optimize the use of reservoirs to manage multiple sources of supply. It will also allow for improved treatment reliability by ensuring a more

A public agency providing a safe and reliable water supply to the San Diego region

consistent blended raw water quality. Several projects in the San Diego region will be requesting approval to implement this alternative.

The proposed regulatory language in Section 64668.30 (b)(2)(A) implies that an advanced treatment facility would need to operate for a period of time before a water supplier can apply for the alternative minimum detention time. Because agencies will be making significant investments in the construction of potable reuse facilities at full capacity, we are recommending modified language that would allow agencies to apply for the alternative compliance as part of the permit application. The permit could then include provisions to allow for reduced alternative minimum detention times to be phased in based on meeting treatment performance standards.

Operator Certification

The statement of reasons implies that operators of advanced treatment facilities will be wastewater certified operators. We ask that the regulations specifically allow for operators that are certified as either water treatment operators or wastewater operators. This will provide for a greater pool of qualified operators and can help create highly effective operations teams. The regulations should also recognize that operators that have obtained an advanced water treatment certification from a certification program acceptable to the State Board will be presumed to have obtained adequate training under Section 60320.322. This can help provide a pathway for professional training and certification through programs such as the advanced water treatment certification being developed by the American Water Works Association and California Water Environment Association.

Regional Board and State Board Roles

There are several areas where agencies must obtain approvals for ongoing operational requirements from both the State Board and Regional Board. To streamline regulatory processes, the regulations should provide for a single point of approval. In addition, consistent with the anticipated efficiency goals when DDW was consolidated with the State Board, we encourage the State and Regional Water Boards to work together to develop roles and responsibilities for recycled water and potable reuse to optimize regulatory oversight, instead of requiring the regulated agencies to obtain independent approvals from multiple agencies for the same issue.

Additional Clarification

There are several areas in the regulations which provide broad authority to the State Board for additional monitoring requirements or studies and where it is not clear how compliance will be determined. We recognize that in some areas discretion is necessary to allow for site specific determinations. We have provided specific recommendations in the attachment to this letter where we believe that more specificity would be merited.

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Thank you for the opportunity to comment and all of your efforts in the development of these regulations. Please contact Toby Roy, Water Resources Manager, with any questions at (858) 522-6743 or TRroy@sdewa.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert R. Yamada". The signature is stylized and cursive.

Robert R. Yamada
Director of Water Resources

Attachment

Submitted electronically via: commentletters@waterboards.ca.gov

DRAFT - Comments and Recommended Language Changes to SWA Regulations

No.	Section	Comment	Recommended Language or Alternative(s)
1	<p>Article 5.3 60320.301. General Requirements (d)</p>	<p>The reference to "assumptions made" is unclear.</p>	<p>(d) If a SWSAP WRA fails to complete compliance monitoring required by this Article, compliance may be determined by the State Board or Regional Board based <u>on</u> monitoring data available to, and <u>scientific reasoning</u> assumptions made by, the State Board or Regional Board.</p>
2	<p>Article 5.3 60320.301. General Requirements (f); 60320.302. Advanced Treatment Criteria (g)(2); 60320.308. (d)</p>	<p>These sections require written approval from both the State and Regional Board. To improve efficiency, the Regional and State Board should confer internally, and either the State Board or Regional Board should be identified as the lead with the SWSAP WRA.</p>	<p>Language should be modified to specify either the State Board or Regional Board as the lead agency granting approval or providing written authorization.</p>
3	<p>Article 5.3 60320.301 General Requirements (e)</p>	<p>This section requires that the SWSAP WRA agency receive their supply from a wastewater agency that is not in violation of the effluent limits or water quality requirements that pertain to surface water augmentation. While requirements related to surface water augmentation are relevant, effluent limits, such as ocean discharge requirements, may be completely unrelated to surface water augmentation. We recommend deleting reference to effluent water quality limits.</p>	<p>A SWSAP PWS shall ensure that the recycled municipal wastewater used for a SWSAP is from a wastewater management agency that is not in violation of the effluent water quality limits of water quality requirements that pertain to surface water augmentation...</p>

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4	<p>Article 5.3 60320.302. Advanced Treatment Criteria. (h)</p>	<p>Considering that the advanced treated water will be delivered to a reservoir with subsequent downstream treatment as part of an agency's raw water supply, the requirement for initial monthly monitoring and reduced quarterly ongoing monitoring is unnecessarily burdensome. Also, the requirement that the effluent of the advanced treatment process must meet all MCLs should be revised, since some MCLs may not be applicable for a raw water supply. The language should clarify which MCLs should apply and how compliance with the MCL will be determined, since many MCLs are based on average or percentile results, not a single sample.</p>	<p>Monitoring should initially be quarterly, with the potential to apply for a reduced frequency of no less than annually. The following language should be added regarding MCL compliance: <u>The effluent of the advanced treatment process shall not exceed an MCL identified in Tables 64431-A, 64442, 64443, or 64444-A, Chapter 15, or Table 54533-A, Chapter 15.5, as calculated in Section 60320.312 of this Chapter.</u></p>
5	<p>Article 5.3 60320.308. Pathogenic Microorganism Control. (c)</p>	<p>This section lacks clarity on how compliance with pathogen reduction will be determined. The language should clarify that pathogen reduction will be determined based on surrogate monitoring proposed and approved as part of the Operations Plan, since the Operations Plan will be kept up-to-date to reflect current operations.</p>	<p>If the applicable pathogen reduction in Subsection (a) is not met based on <u>the ongoing surrogate monitoring identified in the Operations Plan approved pursuant to Section 60320.322.</u></p>
6	<p>Article 5.3 60320.312. Regulated Contaminants and Physical Characteristics Control (a)(5)</p>	<p>Lead and copper monitoring may not be necessary since it is not typically a source water contaminant. It is normally monitored at the customer's tap as a measure of corrosion control. We recommend deleting lead and copper monitoring requirements.</p>	<p>Delete Section 60320.312. (a)(5) (5) lead and copper.</p>

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7	<p>Article 5.3 60320.312. Regulated Contaminants and Physical Characteristics Control. (e)</p>	<p>This section allows reduced monitoring for asbestos. However routine asbestos monitoring is not required, and it is not clear what would be the value of monitoring for asbestos. We recommend deletion.</p>	<p>Delete Section 60320.312 (e) (e) If four consecutive quarterly results for asbestos are below the detection limit in Table 64432-A for asbestos, monitoring for asbestos may be reduced to one sample every three years. Quarterly monitoring shall resume if asbestos is detected. Asbestos is not listed for routine monitoring.</p>
8	<p>Article 5.3 60320.322. SWSAP Operational Plan. (b)</p>	<p>The statement of reasons implies that operators of potable reuse facilities will be certified as wastewater operators. The California Urban Water Agencies prepared a white paper with stakeholder input that recommends that advanced treatment potable reuse operators should include wastewater and/or water operators to optimize the opportunities and skill sets of available operators. The American Water Works Association is developing an advanced water treatment certification program that should be recognized by the State in the future. There should be a provision in the surface water augmentation regulations that advanced water facilities can be operated by wastewater or water operators who are also certified with State recognized advanced water certifications.</p>	<p>(b) Prior to operation of a SWSAP, a SWSAP WRA shall, at a minimum, demonstrate to the State Board and Regional Board that the personnel operating and overseeing the SWSAP operations <u>(1) are certified by the State Board as water or wastewater treatment operators and (2) have received training in the following:</u> (a) The proper operation of the treatment processes utilized pursuant to sections 60320.302 and 60320.308; (b) The California Safe Drinking Water Act and its implementing regulations; and (c) The potential adverse health effects associated with the consumption of drinking water that does not meet California drinking water standards. <u>(3) Certification as an Advanced Water Treatment Operator from a program that has been approved by the State Board shall also qualify to meet the training requirements.</u></p>
9	<p>Article 5.3 60320.326. Augmented Reservoir Monitoring. (e)</p>	<p>Subsection (e) allows the State Board to specify monitoring locations and frequencies for additional chemicals and contaminants, but does not specify any justification for the monitoring. Since monitoring can be costly, any requirements should be justified, considering past monitoring results, sound science and public health protection. There should be some criteria or process for requiring additional monitoring.</p>	<p>(e) Notwithstanding subsection (b),(c) and (d), A SWSAP WRA shall monitor for any State Board-specified chemicals or contaminant, at the locations and frequencies specified by the State Board, <u>provided the State Board has taken into consideration past monitoring results, sound science and public health protection.</u></p>

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10	<p>Article 5.3. 60320.328. Reporting. (a).</p>	<p>This section requires that the operating report must be prepared by a licensed engineer. A Grade 4 or 5 State Board certified water or wastewater operator should also be allowed to prepare the annual report.</p>	<p>(a) By July 1st of each year, a SWSAP WRA shall provide a report to the State Board and Regional Board, and make a copy of the report available to each SWSAP PWS affected by the SWSAP. Each SWSAP PWS shall be notified by direct mail and/or electronic mail of the availability of the report. The report shall be prepared by an engineer licensed in California and experienced in the fields of wastewater treatment and public water supply or a <u>Grade 4 or 5 Certified Water Treatment or Wastewater Operator.</u></p>
11	<p>Article 9. 64668.10. General Requirements and Definitions. (d)</p>	<p>The requirement for a SWSAP PWS to report a SWSAP WRA failure to meet permit requirements is redundant since the SWSAP WRA already has specific reporting requirements. In addition, it is vague and has the potential to require unnecessary and broad reporting on minor issues. The Statement of Reasons fails to provide any justification for this requirement.</p>	<p>Delete Section 14668.10. (d). (d) A SWSAP PWS with knowledge of a SWSAP WRA failing to meet a requirement of the SWSAP WRA's permit or a requirement of Chapter 3, Article 5-3, shall immediately notify the State Board.</p>

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12	<p>Article 9 64668.30. SWSAP Augmented Reservoir Requirements (b) (2) (A)</p>	<p>This section implies that an agency can only apply for an alternative minimum theoretical detention time after the treatment plant has been operated for a period of time. Consistent with the current project review process, the regulations should allow this approach to be proposed during the original permit application so that the permit can allow for phasing into a reduced detention time</p>	<p>A SWSAP PWS may apply to the State Board, for written approval, for a reduced on-going alternative minimum theoretical retention time of less than 180 day, but no less than 60 days. <u>The SWSAP PWS's permit application and engineering report may describe a phased approach for reduced detention times.</u> The SWSAP PWS's application shall include all information requested by the State Board for its consideration of a proposed alternative minimum theoretical retention time, including the following: <u>(A) A plan for phasing in reduced retention times, while demonstrating compliance by the SWSAP PWS and SWSAP WRA with the requirements of the Article and Article 5.3, Chapter 3 under varying operating conditions, or evidence demonstrating the same.</u></p>
13	<p>Article 9 64668.30. SWSAP Augmented Reservoir Requirements (c)</p>	<p>This section allows the State Board to request tracer studies and hydrodynamic modelling at any time. The phrase " whenever requested" implies this can arbitrarily be required with no scientific basis for the request.</p>	<p>(c) Prior to augmentation, the SWSAP PWS shall demonstrate to the State Board, utilizing tracer studies and hydrodynamic modeling, that at all times under all operating conditions, the volume of water withdrawn from the augmented reservoir to be ultimately supplied for human consumption contains no more than: <u>...The State Board may require additional tracer studies or hydrodynamic modelling, if there is reason believe that prior tracer studies and hydrodynamic models no longer reflect the current operations and if it is necessary to ensure the protection of public health.</u></p>

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14	<p>Article 9 64668.30. SWSAP Augmented Reservoir Requirements (g)</p>	<p>It is unclear what form the plan required by this section would take. To streamline submittals and ensure that the provisions of the plan are implemented, it would be more appropriate to require these elements to be addressed and included in the update to the water treatment operations plan since this plan will need to be updated for change in source and treatment.</p>	<p>(g) Prior to augmentation of a surface water reservoir using a SWSAP, <u>a SWSAP PWS shall update their surface water treatment plant Operations Plan and submit it for State Board review and approval.</u> The Operations Plan update shall describe the actions the SWSAP PWS will take to assess and address potential impacts resulting from the introduction of advanced treated water into the SWSAP PWS's surface water treatment plant and, indirectly, into the drinking water distribution system...</p>