RESPONSES TO PUBLIC COMMENTS
DRAFT WATER RECYCLING REQUIREMENTS FOR RECYCLED WATER USE
COMMENT PERIOD CLOSED 22 FEBRUARY 2016

Comment Number	Submitted by	Section of the GO	Page	Comment	Response to Comment
1	WateReuse	Finding 34	15	The Proposed Order specifies that entities may continue to operate under existing orders until requested by the Regional Water Board to either: (i) continue or expand coverage under existing orders or; (ii) apply for coverage under this General Order. This is a very significant change from the 2014 Order that reflected a heavily negotiated compromise in its development. When the 2014 Order was proposed, it did not contain language indicating that it was optional for agencies to obtain coverage under the permit. The 2014 Order language was inserted as part of a change sheet (Change Sheet #1, dated 5/30/14) after strong urging on the part of the recycled water community, because many agencies in the state preferred to retain coverage under their existing permits with the option to "opt in" to the statewide general permit should they elect to do so. Many agencies still prefer to have the option of maintaining their existing permit coverage. We ask that you restore the language included in the adopted 2014 Order allowing a recycler to make an election regarding coverage for new and existing projects.	This Finding has been substantially revised. A 21-day additional public comment period was provided to allow additional comments. Please see Responses to Additional Public Comments. Water Code section 13263 (e) states "All requirements shall be reviewed periodically." Updates keep the WDRs up to date with policies of the State. Furthermore, use of a general order will streamline the backlog of orders that are overdue for an update. While land discharge WDRs do not expire, the State Water Board's Administrative Procedures Manual establishes an update schedule for WDRs.
2	WateReuse	Finding 33; General Provision D.8	14; 24	These two sections within the Proposed Order can be read to suggest that someone other than the Executive Officer, as his or her "designee", can determine whether a recycler is eligible for coverage under the Proposed Order and approve modifications to the Monitoring and Reporting Program (MRP). We understand that these provisions are intended to capture only a designee of the State Water Board's Executive Director, and recommend the following clarifications: The State Water Board's Executive Director (or designee) or the Regional Water Board's Executive Officer ~~or the State Water Board's Executive Director (or designee)~~ shall explain the need for a revised project, design, operation, or coverage under a different order, by making one or more of the following findings in the NOI response letter: **** The Administrators shall comply with the MRP issued with the NOA, and any future revisions, as specified by the State Water Board's Executive Director (or designee) or the Regional Water Board's Executive Officer ~~or State Water Board's Executive Director (or designee).~~	Only designees of the State Water Board's Executive Officer can be delegated the authority. As WateReuse has correctly identified, the word "(designee)" placed after "Executive Director" is only applicable to State Water Board's executive director and does not extend to designee of a Regional Water Board executive officer. In addition, delegation of powers and duties vested in the Regional Water Board can only be delegated to its executive officer per California Water Code section 13223.
3	WateReuse	General Provision D.8	24	As drafted, the Proposed Order appears to encourage regional boards to develop their own monitoring plans "when necessary" at their own discretion, outside of the model included in Attachment A. This uncertainty regarding monitoring obligations has been and could continue to be a disincentive for agencies to enroll in the General Permit. We recommend the following change: A model MRP is provided as Attachment C. ~~However, the Regional Water Board's Executive Officer or State Water Board's Executive Director (or designee) may modify or replace the MRP when deemed necessary.~~	The Regional Board Executive Officers have the discretion to modify the Monitoring and Reporting Program under California Water Code section 13267. State Water Board staff acknowledges the need to facilitate consistency and provide some level of certainty regarding their anticipated monitoring obligations by preparing a model Monitoring and Reporting Program as an attachment to the Order (Attachment B).
4	WateReuse	Water Recycling Administration Requirements C.6, C.8, C.14, C.16	21-23	The Proposed Order requires an Administrator to perform certain tasks (cross-connection inspections, periodic inspections, equipment labeling) unless it "hires" a third party agent. This language is too limiting, as the agent conducting these tasks could be a partner or other entity that would be assigned this responsibility but would not be hired and paid in the traditional sense. We recommend replacing the word "hire" with "use."	The Order has been revised to address this comment. Revisions have been made as requested.

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5	WateReuse	Attachment B, Cooling/Industrial/Other Uses of Recycled Water	B-4	A new sentence not in the 2014 Order was added that states, "For any additional treatment, implementation or monitoring requirements, consult with the State Water Board DDW." This language implies additional treatment, implementation, and monitoring may be required on a case by case basis. This appears counter to a primary purposes of the General Permit, which is to streamline permitting of RW projects. We recommend deleting this sentence.	The Order has been revised to address this comment. Revisions have been made as requested.
6	WateReuse	Finding 36	16	The Proposed Order requires that the NOI of an applicant covering multiple jurisdictions include the signature of all jurisdictions producing or distributing recycled water. However, the acknowledgements of participation in an Administrator's program is also done by agreements and described in Title 22 Engineering Reports. It is burdensome and unnecessary to also require this in the NOI. We suggest revising this requirement so the applicant only has to gather signatures once.	The Order has been revised to address this comment. Requirement to identify each entity involved in the production, distribution, or use of recycled water, including associated documentation is now part of Attachment A - Notice of Intent.
7	WateReuse	Specifications B.3; Attachment A, What to File, Section II.b.3	20; A-3	Previous draft versions of the O & M specifications contained the qualifier that all measures must be "reasonably practicable." As all measures should be reasonably practicable we ask that this phrase be included back into the language. The State or Regional Water Board may require the Administrator to submit an Implementation or Operations and Management Plan specifying agronomic rates and nutrient application for the use area(s) and a set of reasonably practicable measures to ensure compliance with this General Order. **** For uses with frequent or routine application (such as irrigation), the Plan shall specify agronomic rates and nutrient application for the use area(s) and a set of reasonably practicable measures to ensure compliance with this General Order. For uses with infrequent or non-routine applications, the Plan shall specify a list of reasonably practicable practices to ensure compliance with this General Order.	The Order has been revised to address this comment. Revisions have been made as requested.
8	WateReuse	Finding 33	14	This provision is included in the 2014 Order, but an additional phrase was added to the Proposed Order that is unclear and could be confusing: "The proposed use of recycled water does not implement mitigation measures or project alternatives found to be feasible in a California Environmental Quality Act (CEQA) document." We recommend this phrase be deleted.	The Order has been revised to address this comment. Revisions have been made as requested.

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9	Merle & Darris Nelson	General Comment	N/A	Please do not authorize this Order in its current form. In light of the major drought, the State Water Board's desire to recycle large amounts of wastewater to extend limited potable supplies is understandable, as is preparation of the State Water Board's General Order for Recycled Water Use to streamline the process for developing new projects. Yet I am concerned about possible unintended consequences of authorizing this without more study. There are currently about 85,000 chemicals registered for use, and almost none are regulated. At least 1000 have endocrine disrupting characteristics whereby exposure to minute amounts, especially by children, have been demonstrated scientifically to cause a multitude of serious health problems. Furthermore, impacts on fish may be even more devastating, and when people eat the fish, they may have a dual exposure to a whole range of disease causing substances. Sometimes, two benign substances can react to become a toxic substance. Toxic substances have been found to remain in even the most highly treated wastewater. As coastal residents we are greatly concerned about tertiary wastewater irrigation runoff ending up in our waterways, potentially putting recreating humans, residing fish, wildlife and aquatic life at serious risk. The Order claims that if wastewater meets "Title 22" standards and all other applicable laws intended to protect public health, then recycled water is safe for approved uses, including the irrigation of food crops, and spraying of children's parks and schools, etc. Yet none of these regulations address endocrine disruption, nor most toxins, nor the pesticides that runoff from the wastewater application. It is notable that even organic vegetables can be irrigated with wastewater. Of additional concern are that these projects would be operated in the summer time, when flows may be extremely low because of drought and the water body may have no assimilative capacity of remnant nutrients or toxins in the wastewater. Summer is also the time when humans are most likely to have direct contact with the wastewater through recreational activities. While health departments are very concerned about pathogens, they almost totally ignore toxic exposures. State Panel Scientists have not adequately addressed the 'low dose affect', which has been demonstrated in peer-reviewed studies to sometimes have highly toxic results. Instead, the State Panel has made a premature, and inadequately considered determination that it is safe to irrigate urban landscapes with tertiary wastewater without even monitoring the impacts of these toxins. Finally, the state has not put into place common sense restrictions on water use. There needs to be a permanent ban on lawn installations and watering lawns. There also needs to be strict regulations in place of water for non-essential crops and a temporary ban on the installation of non-essential crops such as wine grapes that not only require water but strip topsoil that further increases runoff and they use pesticides. Please do not authorize this Order that will compromise public health and safety. Please give serious consideration into adopting best practices for better water management as a first step in drought management.	The Order prohibits discharges to surface waters. Runoff from use areas that end up in waterways is considered a violation of the conditions of the Order. Some NPDES permits for wastewater treatment plants that allow discharges to surface waters often include a provision for no-discharge if minimum flows in receiving waters are non-existent to prevent negative impacts on the receiving water environment and fish habitat. The commenter's main concern is on unregulated chemicals, including those that have demonstrated endocrine disrupting characteristics, which are not currently regulated in wastewater discharges, also known as CECs (Contaminants of Emerging Concerns). In the 2009 Recycled Water Policy, the State Water Board recognizes that the set of knowledge regarding CECs is incomplete, and there needs to be additional research and development of analytical methods and surrogates to determine potential environmental and public health impacts. The State Water Board continues to recognize that consideration of CEC effects on human health and aquatic life is a rapidly evolving field, and that regulatory requirements need to be based on best available science. The 2013 amendment of Recycled Water Policy incorporated the Science Advisory Panel (CEC Panel) recommendations on a short list of monitoring parameters, including health-based indicators and performance-based indicators. The list also incorporates CEC from multiple source classes (pharmaceuticals, personal care products, food additives, and hormones). The panel additionally developed guidance for interpreting and responding to monitoring results. The CEC Panel report was finalized in June 2010 and is available on this link: http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/docs/cec_monitoring_rpt.pdf The CEC Panel's effort was limited in context and scope to the State's Recycled Water Policy. To address additional questions relevant to ambient aquatic environments, the State Water Board in conjunction with the David and Lucile Packard Foundation partnered with SCCWRP to support a second Science Advisory Panel (CEC Ecosystems Panel) that provided the State with recommendations on how to best limit the impact of CECs on oceans, estuaries, and coastal wetlands. The State Water Board also expanded the panel's charge to also provide guidance on appropriate monitoring and management strategies for CECs in California's freshwater ecosystems. The CEC Ecosystems Panel report was finalized in April 2012 and is available on this link: http://www.sccwrp.org/ResearchAreas/Contaminants/EcosystemsAdvisoryPanel.aspx Both CEC Panel and CEC Ecosystems Panel recommend that the State continue to promote and support research initiatives to continue to fill the data gaps and improvements in monitoring and interpretation of CEC data for waters receiving WWTP effluent and stormwater discharge. In line with these recommendations, the State and Regional Water Boards are working on a statewide CEC Initiative that will coordinate ongoing CEC efforts in the state and will develop a framework for a statewide management strategy to identify and recommend that CECs are of highest importance on an ongoing basis. The CEC Initiative will include monitoring projects that will provide a feedback loop to inform statewide regulatory actions. Additionally, the State Water Board continues to working with members of the recycled water community to identify knowledge gaps regarding specific topics in recycled water research, including potable and non-potable applications, to better understand recycled water research funding priorities. The State Water Board hosted Recycled Water Research Workshops in 2014 and 2015 to identify and prioritize recycled water research projects. The State Water Board is

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					currently funding three recycled water research projects and will continue to fund recycled water research through funds made available by the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (2014 Bond Law, Proposition 1). These research efforts will support and inform regulatory processes, such as the consideration of this Order or future updates to Recycled Water Policy, to ensure that uses of recycled water do not negatively impact the environment and/or human health. To carry out the CEC Ecosystems Panel recommendation for the monitoring of CECs in aquatic ecosystems, the State Water Board contracted with SCCWRP to develop recommendations for a statewide monitoring pilot study for CECs. The State Water Board has taken those recommendations drafted a pilot study intended to not only provide baseline information for Water Board programs and the public but to begin to answer questions regarding presence and detection of initial target CECs in different waterbody types across the state. Included in this pilot is a category of innovative and emerging "bioanalytical" monitoring methods aimed at assessing whether CECs adversely affect the biological processes and therefore overall health of aquatic organisms. The draft pilot study includes a list of initial target CECs for the pilot study was developed using a chemical-specific risk-based assessment framework. This pilot effort will also explore some of the contemporary approaches to non-targeted CEC (chemical) analysis. State and Regional Water Board staff will continue to work with its stakeholders to refine and implement this pilot study over the next several years. In the meantime the State Water Board will compile as much of the existing data on CECs in the ambient waters as possible on an open data platform to help inform and direct future ambient monitoring efforts. More information on the CEC pilot study, datasets available and guidance documents are available on this link: http://www.waterboards.ca.gov/water_issues/programs/swamp/cec_aquatic/ The State Water Board adopted emergency regulations requiring an immediate 25 percent reduction in overall potable urban water use in May 2015, immediately following the Governor's April 1, 2015, mandate. The adopted statewide water conservation is in effect through January 2017. The State Water Board recognizes that the drought is far from over. A localized "stress test" approach that mandates urban water suppliers to ensure at least a three year supply of water to the their customers under drought conditions. The regulation keeps in place specific prohibitions against waste of potable water resources, such as watering down sidewalk with a hose to clean (instead of brush or broom), as well as overwatering landscapes to where water runs off the lawn, over the sidewalk, and into the gutter. This proposed order is an effort to encourage use of recycled water thus reducing demand on other sources, including use of potable water used for non-potable uses where recycled water is available. When 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.

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10	Noel Bouck	General Comment	N/A	As a microbiologist with a Yale PhD, I am concerned about your desire to recycle large amounts of wastewater to extend limited potable supplies. What concerns me is the probably unintended consequences of authorizing this without more study.There are currently about 85,000 chemicals registered for use, and almost none are regulated. At least 1000 have endocrine disrupting characteristics whereby exposure to minute amounts, especially by children, have been demonstrated scientifically to cause a multitude of serious health problems. Furthermore, impacts on fish may be even more devastating, and when people eat the fish, they may have a dual exposure to a whole range of disease causing substances.Wastewater treatment systems bring together a huge range of chemicals, including cleaning products, pharmaceuticals, personal care products, building products, and much more. Merged together in the wastewater, it is unknown how they combine to form new, and sometimes more dangerous compounds. Sometimes, two benign substances can react to become a toxic substance. Unfortunately, toxic substances have been found to remain in even the most highly treated wastewater.As a member of the Salmon Creek Watershed council that acts to enhance the run of coho salmon in our watershed, I am concerned about tertiary wastewater irrigation runoff ending up in our waterways, potentially putting fish and their food at serious risk. The Order claims that if wastewater meets 'Title 22" standards and all other applicable laws intended to protect public health, then recycled water is safe for approved uses, including the irrigation of food crops, and spraying of children's parks and schools, etc. Yet none of these regulations address endocrine disruption, nor most toxins, nor the pesticides that runoff from the wastewater application. It is notable that even organic vegetables can be irrigated with wastewater.Furthermore, these projects would be operated in the summer time, when flows may be extremely low because of drought when our creeks have limited ability to rid themselves of remnant nutrients or toxins in the wastewater. State Panel Scientists have not adequately addressed the 'low dose affect', which has been demonstrated in peer-reviewed studies to sometimes have highly toxic results. Instead, the State Panel has made a premature, and inadequately considered determination that it is safe to irrigate urban landscapes with tertiary wastewater without even monitoring the impacts of these toxins.I beg of you, please do not authorize this Order in its current form.	The Order prohibits discharges to surface waters. Runoff from use areas that end up in waterways is considered a violation of the conditions of the Order. Some NPDES permits for wastewater treatment plants that allow discharges to surface waters often include a provision for no-discharge if minimum flows in receiving waters are non-existent to prevent negative impacts on the receiving water environment and fish habitat. The commenter's main concern is on unregulated chemicals, including those that have demonstrated endocrine disrupting characteristics, which are not currently regulated in wastewater discharges, also known as CECs (Contaminants of Emerging Concerns). In the 2009 Recycled Water Policy, the State Water Board recognizes that the set of knowledge regarding CECs is incomplete, and there needs to be additional research and development of analytical methods and surrogates to determine potential environmental and public health impacts. The State Water Board continues to recognize that consideration of CEC effects on human health and aquatic life is a rapidly evolving field, and that regulatory requirements need to be based on best available science. The 2013 amendment of Recycled Water Policy incorporated the Science Advisory Panel (CEC Panel) recommendations on a short list of monitoring parameters, including health-based indicators and performance-based indicators. The list also incorporates CEC from multiple source classes (pharmaceuticals, personal care products, food additives, and hormones). The panel additionally developed guidance for interpreting and responding to monitoring results. The CEC Panel report was finalized in June 2010 and is available on this link: http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/docs/cec_monitoring_rpt.pdf The CEC Panel's effort was limited in context and scope to the State's Recycled Water Policy. To address additional questions relevant to ambient aquatic environments, the State Water Board in conjunction with the David and Lucile Packard Foundation partnered with SCCWRP to support a second Science Advisory Panel (CEC Ecosystems Panel) that provided the State with recommendations on how to best limit the impact of CECs on oceans, estuaries, and coastal wetlands. The State Water Board also expanded the panel's charge to also provide guidance on appropriate monitoring and management strategies for CECs in California's freshwater ecosystems. The CEC Ecosystems Panel report was finalized in April 2012 and is available on this link: http://www.sccwrp.org/ResearchAreas/Contaminants/EcosystemsAdvisoryPanel.aspx Both CEC Panel and CEC Ecosystems Panel recommend that the State continue to promote and support research initiatives to continue to fill the data gaps and improvements in monitoring and interpretation of CEC data for waters receiving WWTP effluent and stormwater discharge. In line with these recommendations, the State and Regional Water Boards are working on a statewide CEC Initiative that will coordinate ongoing CEC efforts in the state and will develop a framework for a statewide management strategy to identify and recommend that CECs are of highest importance on an ongoing basis. The CEC Initiative will include monitoring projects that will provide a feedback loop to inform statewide regulatory actions. Additionally, the State Water Board continues to working with members of the recycled water community to identify knowledge gaps regarding specific topics in recycled water research, including potable and non-potable applications, to better understand recycled water research funding priorities. The State Water Board hosted Recycled Water Research Workshops in 2014 and 2015 to identify and prioritize recycled water research projects. The State Water Board is currently funding three recycled water research projects and will continue to fund recycled water research through funds made available by the Water Quality, Supply, and

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					Infrastructure Improvement Act of 2014 (2014 Bond Law, Proposition 1). These research efforts will support and inform regulatory processes, such as the consideration of this Order or future updates to Recycled Water Policy, to ensure that to ensure that uses of recycled water do not negatively impact the environment and/or human health. To carry out the CEC Ecosystems Panel recommendation for the monitoring of CECs in aquatic ecosystems, the State Water Board contracted with SCCWRP to develop recommendations for a statewide monitoring pilot study for CECs. The State Water Board has taken those recommendations drafted a pilot study intended to not only provide baseline information for Water Board programs and the public but to begin to answer questions regarding presence and detection of initial target CECs in different waterbody types across the state. Included in this pilot is a category of innovative and emerging "bioanalytical" monitoring methods aimed at assessing whether CECs adversely affect the biological processes and therefore overall health of aquatic organisms. The draft pilot study includes a list of initial target CECs for the pilot study was developed using a chemical-specific risk-based assessment framework. This pilot effort will also explore some of the contemporary approaches to non-targeted CEC (chemical) analysis. State and Regional Water Board staff will continue to work with its stakeholders to refine and implement this pilot study over the next several years. In the meantime the State Water Board will compile as much of the existing data on CECs in the ambient waters as possible on an open data platform to help inform and direct future ambient monitoring efforts. More information on the CEC pilot study, datasets available and guidance documents are available on this link: http://www.waterboards.ca.gov/water_issues/programs/swamp/cec_aquatic/
11	Carol Sklenicka	General Comment	N/A	Because of major drought the State Water Board's desire to recycle large amounts of wastewater to extend limited potable supplies is understandable, as is preparation of the State Water Board's General Order for Recycled Water Use to streamline the process for developing new projects. Yet I am concerned about possible unintended consequences of authorizing this without more study. There are currently about 85,000 chemicals registered for use, and almost none are regulated. At least 1000 have endocrine disrupting characteristics whereby exposure to minute amounts, especially by children, have been demonstrated scientifically to cause a multitude of serious health problems. Furthermore, impacts on fish may be even more devastating, and when people eat the fish, they may have a dual exposure to a whole range of disease causing substances. Wastewater treatment systems bring together a huge range of chemicals, including cleaning products, pharmaceuticals, personal care products, building products, and much more. Merged together in the wastewater, it is unknown how they combine to form new, and sometimes more dangerous compounds. Sometimes, two benign substances can react to become a toxic substance. Toxic substances have been found to remain in even the most highly treated wastewater. I am concerned about tertiary wastewater irrigation runoff ending up in our waterways, potentially putting recreating humans, residing fish, wildlife and aquatic life at serious risk. The Order claims that if wastewater meets 'Title 22" standards and all other applicable laws intended to protect public health, then recycled water is safe for approved uses, including the irrigation of food crops, and spraying of children's parks and schools, etc. Yet none of these regulations address endocrine disruption, or most toxins, or the pesticides that runoff from the wastewater application. It is notable that even organic vegetables can be irrigated with	The Order prohibits discharges to surface waters. Runoff from use areas that end up in waterways is considered a violation of the conditions of the Order. Some NPDES permits for wastewater treatment plants that allow discharges to surface waters often include a provision for no-discharge if minimum flows in receiving waters are non-existent to prevent negative impacts on the receiving water environment and fish habitat. The commenter's main concern is on unregulated chemicals, including those that have demonstrated endocrine disrupting characteristics, which are not currently regulated in wastewater discharges, also known as CECs (Contaminants of Emerging Concerns). In the 2009 Recycled Water Policy, the State Water Board recognizes that the set of knowledge regarding CECs is incomplete, and there needs to be additional research and development of analytical methods and surrogates to determine potential environmental and public health impacts. The State Water Board continues to recognize that consideration of CEC effects on human health and aquatic life is a rapidly evolving field, and that regulatory requirements need to be based on best available science. The 2013 amendment of Recycled Water Policy incorporated the Science Advisory Panel (CEC Panel) recommendations on a short list of monitoring parameters, including health-based indicators and performance-based indicators. The list also incorporates CEC from multiple source classes (pharmaceuticals, personal care products, food additives, and hormones). The panel additionally developed guidance for interpreting and responding to monitoring results. The CEC Panel report was finalized in June 2010 and is available on this link: http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/docs/cec_monitoring_rpt.pdf

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				wastewater. Furthermore, these projects would be operated in the summer time, when flows may be extremely low because of drought and the water body may have no assimilative capacity of remnant nutrients or toxins in the wastewater. Summer is also the time when humans are most likely to have direct contact with the wastewater through recreational activities. While health departments are very concerned about pathogens, they almost totally ignore toxic exposures. State Panel Scientists have not adequately addressed the 'low dose affect', which has been demonstrated in peer-reviewed studies to sometimes have highly toxic results. Instead, the State Panel has made a premature, and inadequately considered determination that it is safe to irrigate urban landscapes with tertiary wastewater without even monitoring the impacts of these toxins. Please do not authorize this Order in its current form.	The CEC Panel's effort was limited in context and scope to the State's Recycled Water Policy. To address additional questions relevant to ambient aquatic environments, the State Water Board in conjunction with the David and Lucile Packard Foundation partnered with SCCWRP to support a second Science Advisory Panel (CEC Ecosystems Panel) that provided the State with recommendations on how to best limit the impact of CECs on oceans, estuaries, and coastal wetlands. The State Water Board also expanded the panel's charge to also provide guidance on appropriate monitoring and management strategies for CECs in California's freshwater ecosystems. The CEC Ecosystems Panel report was finalized in April 2012 and is available on this link: http://www.sccwrp.org/ResearchAreas/Contaminants/EcosystemsAdvisoryPanel.aspx Both CEC Panel and CEC Ecosystems Panel recommend that the State continue to promote and support research initiatives to continue to fill the data gaps and improvements in monitoring and interpretation of CEC data for waters receiving WWTP effluent and stormwater discharge. In line with these recommendations, the State and Regional Water Boards are working on a statewide CEC Initiative that will coordinate ongoing CEC efforts in the state and will develop a framework for a statewide management strategy to identify and recommend that CECs are of highest importance on an ongoing basis. The CEC Initiative will include monitoring projects that will provide a feedback loop to inform statewide regulatory actions. Additionally, the State Water Board continues to working with members of the recycled water community to identify knowledge gaps regarding specific topics in recycled water research, including potable and non-potable applications, to better understand recycled water research funding priorities. The State Water Board hosted Recycled Water Research Workshops in 2014 and 2015 to identify and prioritize recycled water research projects. The State Water Board is currently funding three recycled water research projects and will continue to fund recycled water research through funds made available by the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (2014 Bond Law, Proposition 1). These research efforts will support and inform regulatory processes, such as the consideration of this Order or future updates to Recycled Water Policy, to ensure that uses of recycled water do not negatively impact the environment and human health. To carry out the CEC Ecosystems Panel recommendation for the monitoring of CECs in aquatic ecosystems, the State Water Board contracted with SCCWRP to develop recommendations for a statewide monitoring pilot study for CECs. The State Water Board has taken those recommendations drafted a pilot study intended to not only provide baseline information for Water Board programs and the public but to begin to answer questions regarding presence and detection of initial target CECs in different waterbody types across the state. Included in this pilot is a category of innovative and emerging "bioanalytical" monitoring methods aimed at assessing whether CECs adversely affect the biological processes and therefore overall health of aquatic organisms. The draft pilot study includes a list of initial target CECs for the pilot study was developed using a chemical-specific risk-based assessment framework. This pilot effort will also explore some of the contemporary approaches to non-targeted CEC (chemical) analysis. State and Regional Water Board staff will continue to work with its stakeholders to refine and implement this pilot study over the next several years. In the meantime the State Water Board will compile as much of the existing data on CECs in the ambient waters as possible on an open data platform to help inform and direct future ambient monitoring efforts. More information on the CEC pilot study, datasets available and guidance documents are available on this link: http://www.waterboards.ca.gov/water_issues/programs/swamp/cec_aquatic/

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12	Bay Area Clean Water Agencies	Finding 34	15	Water recycling agencies in the Bay Area are provided coverage under existing Water Reuse General Order No. 96-011 and would like the option to remain with the proven and effective Order No. 96-011 for existing, expanded and new projects; including the option to "opt in" to the proposed statewide general permit should they elect to do so. The Notice of Public Hearing for the proposed General Order states that it will be used "to streamline permitting" of recycled water use. In the San Francisco Bay Region, the most effective way to streamline permitting of recycled water use, and thereby encourage greater recycled water use is to allow for continued use of Order No. 96-011 for current and new recycled water projects. To do otherwise would create a confusing and complex two tier permitting system where some recycled water projects may be regulated under one general permit and others under another general permit, all within the same Region. To avoid this potential outcome, BACWA proposes that Finding 34 of the proposed General Order be revised to state "Existing as well as future dischargers that are currently or could be covered under other existing orders (e.g. water reclamation requirements, master reclamation permits, general or individual waste discharge requirements, or waivers of waste discharge requirements) may: (i) continue to operate their projects under that authority as well as seek coverage under that authority for expansion of projects and/or for any new projects or; (ii) apply for coverage under this General Order." Bay Area agencies have a long history of operating under GO 96-011 issued by Region 2 (San Francisco Bay Regional Water Quality Control Board) and worked cooperatively with Region 2 staff on drafting the document which has significantly expanded the use of recycled water in the Bay Area. Presenting additional hurdles for new water recycling projects, which are urgently needed especially during severe drought periods, is not in the best interest of recycling agencies, the state, or the public.	This Finding has been substantially revised. A 21-day additional public comment period was provided to allow additional comments. Please see Responses to Additional Public Comments. Water Code section 13263 (e) states "All requirements shall be reviewed periodically." Updates keep the WDRs up to date with policies of the State. Furthermore, use of a general order will streamline the backlog of orders that are overdue for an update. While land discharge WDRs do not expire, the State Water Board's Administrative Procedures Manual establishes an update schedule for WDRs.
13	Central Valley Clean Water Association	Attachment B, Recycled Water Monitoring	B-2	Although the requirements in the draft WRRs mirror those adopted in Order WQ 2014-0090-DWQ, based on CVCWA's experience, the cost of the monitoring for this program is currently acting as an impediment. To streamline monitoring and decrease costs, CVCWA recommends that the priority pollutant monitoring either be deleted, or the frequency for which such monitoring is required be decreased. Specifically, the Draft WRRs would require annual priority pollutant monitoring for treatment systems that have a flow rate that equals or exceeds 1 million gallons per day (mgd), and once every five (5) years for systems that are less than 1 mgd. While the 5-year requirement helps very small systems from conducting such monitoring annually, annual monitoring still applies to many small systems that barely exceed the 1 mgd threshold. Priority pollutant monitoring is expensive, and annual monitoring is not necessary. To avoid this expensive and unnecessary cost, CVCWA recommends that annually monitoring for all systems be removed. Rather, priority pollutant monitoring should only be required once, at the time that the Notice of Intent is submitted. Or, in the alternative, all priority pollutant monitoring should be required only once every 5 years. This will help to greatly decrease annual monitoring costs.	Monitoring for priority pollutant is a requirement of the State Water Board's Recycled Water Policy for landscape irrigation projects. The monitoring for priority pollutants in the recycled water is required for the recycled water production facility (Recycled Water Policy 7.b.(4)).
14	Central Valley Clean Water Association	Attachment B, Disinfection System Monitoring	B-2	With respect to disinfection system monitoring, CVCWA recommends that the Colilert method for making a finding of presence/absence of coliform be allowed, and that the traditional most probable number (MPN) testing method, which takes a count of MPN over three days, only be required if there is a presence of coliform. This would greatly streamline coliform testing, while still protecting public health.	This issue will be addressed in future Title 22 regulation updates. The General Order requires monitoring in accordance with current Title 22 regulations. The Order will be revised accordingly after Title 22 regulations are updated.

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15	Irvine Ranch Water District	Finding 34	15	We request that the State Board, as part of those efforts, restore the language in the 2014 General Order allowing permitted entities the option of choosing to operate under the State Board's adopted General Order or their existing permits.As we understand it, the original intent for developing a General Order for recycled water was to create a more streamlined permitting process for recycled water uses. When the General Order was first drafted in 2014, many agencies, including IRWD, expressed concern about the operational aspects of the General Order including the resources required to comply with monitoring and reporting requirements. More importantly, many agencies were satisfied with their current individual permits and wanted to continue to operate under them. In response to those concerns, the State Board allowed agencies that have individual permits to continue to operate under those permits unless they elected to seek coverage under the General Order- the adopted General Order contained an "opt in" approach which read:"Producers, Distributors or Users of recycled water covered under existing orders (water recycling requirements, master reclamation permits, general or individual waste discharge requirements, or waivers of waste discharge requirements) jar the use of recycled water may elect to either: (I) continue or expand coverage under existing orders or; (ii) apply for coverage under this General Order."Based on this "opt in" approach, many agencies, while still concerned about the operational aspects of the General Order, supported the State Board's action to adopt the General Order because they were comfortable that agencies could still choose what worked best for them and their customers. From our perspective, the low use of the existing General Permit is due in part to the fact that the operational provisions of the General Order require a greater dedication of agency resources to comply with the permit requirements, and require more time and resources from recycled water users without the benefit of allowing for greater use than the existing permits in many regions.The Draft General Order being considered today proposes to remove the "opt in" approach by providing the Regional Water Quality Control Board the unilateral authority to require agencies to operate under the General Order. (See Finding 34.)	This Finding has been substantially revised. A 21-day additional public comment period was provided to allow additional comments. Please see Responses to Additional Public Comments. Water Code section 13263 (e) states "All requirements shall be reviewed periodically." Updates keep the WDRs up to date with policies of the State. Furthermore, use of a general order will streamline the backlog of orders that are overdue for an update. While land discharge WDRs do not expire, the State Water Board's Administrative Procedures Manual establishes an update schedule for WDRs.
16	Irvine Ranch Water District	Finding 34	15	An additional issue that relates to the elimination of the "opt in" provision is that for many entities enrollment under the Draft General Order would require them to obtain an additional permit and would not substitute an existing permit For example, IRWD's Waste Discharge and Master Reclamation Requirements are issued under an NPDES permit. The requirement to enroll under a General Order would just be one more additional regulatory permit with which IRWD must comply. Enrollment under the General Order would not take the place of our NPDES permit and, therefore, would not enact the efficient and streamlined approach that the State Board is seeking. Furthermore, for many agencies like IRWD, the Draft General Order will increase the cost of administering a recycled water program without resulting in any increased use of recycled water due to its monitoring and reporting requirements. We are concerned that the operational requirements could be a deterrent to some existing and future customers.	This Finding has been substantially revised. A 21-day additional public comment period was provided to allow additional comments. Please see Responses to Additional Public Comments. Water Code section 13263 (e) states "All requirements shall be reviewed periodically." Updates keep the WDRs up to date with policies of the State. Furthermore, use of a general order will streamline the backlog of orders that are overdue for an update. While land discharge WDRs do not expire, the State Water Board's Administrative Procedures Manual establishes an update schedule for WDRs.
17	Napa Sanitation District	Finding 7; Finding 32; Specifications B.1.h	2, 13, 20	A Change Petition Should Not Be Required for Wastewater Discharges to Tidal Waterbodies When the District is not recycling, discharge of treated wastewater is conveyed to a tidal portion of the Napa River approximately ten miles downstream from the point at which fresh water meets tidal water. As a result, the water in the Napa River in the vicinity of, or upstream or downstream from, the discharge is not suitable for potable or agricultural uses. In addition, the amount of water diverted for recycled water use is negligible in an aquatic life or biological context due to the overwhelming hydrodynamics of the tides in this significant estuary. Not surprisingly, the points of diversion for water rights holders along the Napa River occur many	Any reduction in instream flows in a watercourse triggers the need to file a wastewater change petition. Exceptions to this process is outside the scope of this Order. Please contact State Water Boards Division of Water Rights to determine the best procedure to address this matter.

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				miles upstream of the Soscol Water Recycling Facility, according to the eWRIMS database. The fact that all points of diversion are miles upstream from the discharge point is evidence that the location of the District's discharge is impacted by salt water so often and to such extent that no one even tries to divert water for beneficial use in the area. As a result, Water Code 1211 should not apply, and a "Petition for Change" form should not be required for water recycling projects implemented by the District with water produced at the District's Soscol Water Recycling Facility. The change petition process is overly burdensome and costly in this circumstance, with no apparent benefit. In order to maximize the encouragement of recycled water use in a way that also protects human health and the environment, the District specifically requests that discharges to tidal waterbodies diverted for use as recycled water under this permit not be subject to Water Code Section 1211. It is our understanding that the State Water Resources Control Board has the discretion to make this decision.	
18	Napa Sanitation District	Water Recycling Administration Requirements C.3.	21	The District Would Like to Make Sure that Written Approvals Would Not be Required for Adding Users In section C.3, page 21, the proposed order indicates that: "The Administrator shall obtain written approvals for any changes...for example: new recycled water use types or distribution methods not already described in the Administrator's approved program." The examples cited for approval seem appropriate. However, the District intends to continue the expansion of its recycled water program by continually adding new users over time, and believes it would be overly burdensome to obtain approval every time a new user is added. The District requests that the general order be clear that approvals are not needed for adding new recycled water delivery pipelines or new users.	Approvals for new recycled water users are not required if the proposed use is already included in the Administrator's recycled water program. New users can be reported on an annual basis as a part of the Administrator's Annual Report. Changes to incorporate new type of uses require approval from the Regional or State Water Board, including any required Title 22 Engineering Report update. For example, an agency with a recycled water program that consists of only public parks irrigation will need to contact the Regional or State Board for an approval if a new type of use, such as industrial cooling, is proposed.
19	Napa Sanitation District	Finding 34	15	As with the Previous Recycled Water General Order, Coverage Should be Up to the Agency if It Has an Alternative Permitting Mechanism The District is currently covered under the San Francisco Bay Regional Water Quality Control Board's Order No. 96-011 and desires the option to remain under this order for existing, expanded and new projects. The Notice of Public Hearing for the proposed General Order states that it will be used "to streamline permitting" of recycled water use. To truly honor this intent, the agencies should make the decision whether to opt in to the statewide general order for water recycling.	This Finding has been substantially revised. A 21-day additional public comment period was provided to allow additional comments. Please see Responses to Additional Public Comments. Water Code section 13263 (e) states “All requirements shall be reviewed periodically.” Updates keep the WDRs up to date with policies of the State. Furthermore, use of a general order will streamline the backlog of orders that are overdue for an update. While land discharge WDRs do not expire, the State Water Board’s Administrative Procedures Manual establishes an update schedule for WDRs.
20	Sempra Energy Utilities	Finding 39; Attachment A section II.a.1	16, A-2	Clarify that One NOI May be Submitted to Cover All Uses/Projects within a Specified Use Area We request the SWRCB to confirm that coverage, as an approved program administrator under the WRR, could be obtained for a defined area (e.g., a utility’s entire service territory, for one or multiple Regional Water Quality Control Board’s) with a single Notice of Intent (NOI). We consider that the submittal of one NOI for coverage of all uses would be a more efficient approach for both the RWQCB/SWRCB and approved program administrators. Finding 39 on page 16 recognizes the need for “centralized enrollment” under the WRR by administrators that operate in multiple RWQCB’s jurisdiction. SEu’s current understanding is that coverage could be obtained for all approved recycled water uses within each utility’s service territory, even though not all of the use areas would be known at the time of submitting the NOI. SEu has many potential uses of recycled water, such as construction and maintenance projects, which include both traditional footprint projects and linear projects. In any given year under	A single Notice of Intent can be submitted to cover all uses/projects within a specified use area. The NOI instructions require the Administrator's plan on using recycled water, however, project specific information, such as locations, schedule, and duration of hydrostatic testing, should be included with the NOI, especially considering that SEu will be obtaining recycled water from multiple producers with a variety of uses and associated locations. It is reasonable to assume that SEu has a maintenance schedule that for these activities and can provide the information. If such information cannot be provided ahead of time with the submittal of NOI, the information can be submitted as addendum to the NOI.

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				enrollment in the program, recycled water could be used for temporary activities including soil compaction, dust control and hydrostatic tests on any number of projects under construction throughout the service territory, as well as permanent long-term uses like drought-tolerant substation landscaping irrigation. However, the NOI Instructions at Section II.a.1. on page A-2 require use estimates for recycled water, and at Section II.a.2 on page A-3 require project specific information such as locations, schedule and duration of hydrotesting. Additionally, use areas are identified more specifically in Attachment D – Definitions on page 47 as "an area of recycled water use with defined boundaries." SEu is unclear whether the SRWCB's intent is to utilize one NOI for all activities, or instead require project-specific NOIs. As described above, the most efficient approach would be for the NOI to authorize a utility's coverage of all its recycled water uses within a specified area (e.g., its service territory or one or more Regional Boards).	
21	Sempra Energy Utilities	Water Recycling Administration Requirements C.3; Specifications B.1	21, 20	Clarify that the WRR NOA would Supersede Conflicts with Producer WDRs We ask the SWRCB to clarify that the WRR NOA for an approved administrator's program would not limit recycled water application to land to specific hydrologic subunits governed within existing recycled water producer WDRs. Note that requirement C.3. on page 21 states that "Under this General Order, the Administrators program shall be implemented to accomplish compliance with Specification B.1." Specification B.1.f. on page 20 lists "WDRs or NPDES permits for recycled water production facilities". SEu previously noted that many producer WDRs restrict uses and application areas, or prohibit use outside of water district boundaries. These limitations often mean SEu cannot utilize those sources to support construction of utility-scale gas and electric linear projects. Our current understanding is that SEu, as an approved program administrator under this WRR would not be limited by specific WDR discharge specifications for the recycled water producers we would source water from.	It is the intent of the Order to serve as additional authorization to address the scenario described by the commenter, for example: an Administrator with an approved program and enrolled under the proposed Order can use the order coverage to use recycled water outside a recycled water producer's service area or a type of use not covered by a producer's permit coverage.
22	Sempra Energy Utilities	Attachment A, What to File, section IV	A-4	Confirm the Ability to Coordinate the WRR with Existing Programmatic Permits We ask that the SWRCB confirm that Section IV of the NOI is the intended mechanism for coordinating the WRR with any additional programmatic discharge permits that SEu may operate under. Note that Section IV – Additional Site Specific Conditions in the NOI instructions on page A-4 states that "If existing orders have additional site specific conditions and/or restrictions not covered in the General Order, they shall be described here". Our current understanding based on this language is that SEu as the applicant should identify any additional site specific conditions in existing programmatic permits that may be utilized for a specific project or activity authorized under this WRR.	Section IV described in the Attachment A NOI General Instructions can be used to describe any additional site specific conditions, including existing programmatic/individual permits that may be utilized for a specific project or activity authorized under this Order. Notice of Applicability issued as a result of the NOI submitted for coverage under this Order only provides coverage for activities covered under this Order and not for any other activities subject to other programmatic/individual permits.

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23	Sempra Energy Utilities	Finding 25; Finding 30; Finding 39; Specifications B.3; Attachment A What to File, section II	7, 11, 16, 20, A-2	Confirm the Ability to Discharge Hydrotest Water to Land under the WRR We request the SWRCB to confirm that the WRR would authorize SEu to discharge hydrostatic test water to land. Note the draft WRR Finding 25 on page 7, Finding 30 on page 11, Finding 39 on page 16, Specification B.3. on page 20 and Section II.a.2. on p. A-2 specifically cite that recycled water use would be authorized for conducting hydrotests. SEu's current understanding, based on discussions with SWRCB staff during the summer of 2015 is that recycled water used for hydrostatic testing of both new and existing pipe could be discharged to land, as long as that water met the conditions of the draft WRR. As previously discussed, SEu typically collects and holds the test water after hydrotest use in Baker tanks, completes analytical testing and performs any treatment that may be required prior to discharge. The final analytical test results are typically provided to the RWQCB and/or SWRCB (prior to discharge) to facilitate the discharge authorization. However, SEu is not clear after our review of the draft WRR whether the discharge to land of recycled water after its use in a hydrotest would be authorized.	The Order only provides coverage for discharge of recycled water to land for beneficial uses consistent with the requirements of the Order. For SEu's proposed uses, this means recycled water used for hydrostatic testing can only be discharged to land by means approved within the program and meeting Order requirement. For example, landscape irrigation uses must be applied at agronomic rates.
24	California Coastkeeper Alliance	Finding 23	6	The State Water Board should ensure recycled water is put to a reasonable use. Develop a methodology to evaluate how recycled water offsets potable demand. The State Water Board must comply with the Human Right to Water. The California Water Code declares that "the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." The statute goes on to state that "[a]ll relevant state agencies, including the department, the state board, and the State Department of Public Health, shall consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to the uses of water described in this section." Therefore, the State Water Board is required to consider the Human Right to Water when adopting the Draft Order. The State Water Board claims to fulfill the Human Right to Water requirements "by reducing the amount of potable water used for non-potable uses where recycled water is available." The Draft Order, however, fails to provide any reasonable assurances that recycled water developed under the Draft Order will actually offset existing potable water use. Without a methodology to quantify how and where recycled water is offsetting potable water use, it is impossible to verify that the Draft Order is furthering the human right to water. To ensure that the Draft Order is meeting the requirements of the California Water Code and the Human Right to Water, we request the State Water Board *develop a methodology for evaluating how the consumption of recycled water offsets existing potable use*.	The Order has been revised to address this comment. Please see findings 23 and 30. The Order does not require the use of recycled water for any purpose. Rather the Order offers coverage for, and thereby encourages, recycled water usage consistent with the Uniform Statewide Recycling criteria in title 22 of California Code of Regulations. Enrollment under the Order is not mandatory and therefore while a method for quantification of recycled water use may be useful, the Order is not an appropriate vehicle for capture of such data.
25	California Coastkeeper Alliance	General Comment	N/A	The State Water Board should ensure recycled water is put to a reasonable use. Require a reasonable use analysis for the consumption of new water generated by recycled water. The State Water Board is obligated to conduct a reasonable use analysis for new sources of water – including recycled water. By making water recycling available for consumption, the Draft Order provides a new source of water for California. California's Constitution, Article X, Section 2, requires that all uses of the state's water be both reasonable and beneficial. It places a significant limitation on water rights by prohibiting the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. Like all water in the state, recycled water is subject to the California Water Code, which states among other provisions, that "[a]ll water within the State is the property of the people of the State." The Water Boards have a non-discretionary affirmative duty and the legal authority to ensure the reasonable beneficial use of, and to prevent	In California Water Code section 13550, the state legislature finds and declares that "the use of potable domestic water for non-potable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available..." The Water Code section 13550 further specifies that the use of recycled water is not considered a waste or unreasonable use if "these uses will not adversely affect downstream water rights, will not degrade water quality, and is determined not to be injurious to plant life, fish, and wildlife. The proposed Order includes a Finding 32 to protect in stream beneficial uses by addressing the requirements of Water Code section 1211, which requires the owner of any wastewater treatment plant to obtain the approval of the State Water Board before

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				waste of, all of California's water resources, and, when feasible, to protect in-stream flow dependent public trust resources. Recognizing that recycled water is subject to the same laws and provisions of any other type of water in the state, the Draft Order must require its reasonable use. By not explicitly requiring a reasonable use of recycled water, the Draft Order fails to adhere to the California Water Code, as well as Article X, Section 2 of the California Constitution. Furthermore, as stated in the California Water Code "The department and board shall take all appropriate proceedings or actions before executive, legislative, or judicial agencies to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water in this state." The Draft Order fails to comply with these specific provisions by not Regional Water Boards to analyze or determine whether recycled water will be used reasonably. In recognition that recycled water is beholden to the same laws and regulations similar to any other source of water in California, we urge the State Water Board to *require Regional Water Boards to conduct a reasonable use analysis for any new permittees seeking coverage under the Draft General Order.*	making any change in the point of discharge, place of use, or purpose of use of treated wastewater.
26	California Coastkeeper Alliance	General Comment	N/A	The State Water Board should provide a public opportunity to raise site-specific concerns regarding applicants seeking coverage under the Draft Order. The Draft Order allows the Executive Officer – without public review and comment - to determine whether coverage under the Draft Order is appropriate. The Draft Order runs contrary to case law that finds eliminating meaningful agency review and public oversight violates fundamental provisions of the Clean Water Act, and has been expressly invalidated by the Ninth Circuit. In Environmental Defense Center, Inc. v. U.S. E.P.A., the Court held: Management programs that are designed by regulated parties must, in every instance, be subject to meaningful review by an appropriate regulating entity to ensure that each such program reduces the discharge of pollutants to the maximum extent practicable. The Ninth Circuit further reasoned that "Congress identified public participation rights as a critical means of advancing the goals of the Clean Water Act in its primary statement of the Act's approach and philosophy." The public must be given the opportunity to participate in the permitting and compliance process. The Draft Order circumvents the public review and comment requirements of the Clean Water Act by allowing a Regional Water Boards' Executive Officer to independently determine whether special circumstances warrant denying an NOI. This authority violates the Clean Water Act and is contrary to the Ninth Circuit's ruling in Environmental Defense Center. We request the Draft Order *require the Executive Officer to make NOIs available to the public, and provide a 30-day comment period to raise any possible concerns. If concerns are raised, and the Executive Officer is unable to resolve them, the NOI will go before the Regional Board for approval.*	The Clean Water Act (CWA) regulates discharges of pollutants into the waters of the United States and quality standards for surface waters. This proposed Order does not authorize discharges into the waters of the United States, and therefore is not subject to the requirements of Clean Water Act. Issuance of a Notice of Applicability for enrollment under a general order is within the scope of delegated powers and duties per California Water Code section 13223. This proposed Order requires BPTC, which is a combination of treatment, storage and application methods that implement the requirements of the Uniform Statewide Recycling Criteria and the Regional Water Board Water Quality Control Plans (Basin Plans) for protection of public health and beneficial uses. If an existing or a proposed use of recycled water seeking coverage under this General Order could result in water quality degradation, the Regional Water Board's Executive Officer can deny enrollment by explaining the need for a revised project, design, operation, or coverage under a different order by making one of the findings listed in Finding 33 a through f in the NOI response letter. The proposed Order meets its noticing requirement, as required by Water Code section 13167.5, to solicit comments from the public regarding a set of prescribed requirements for recycled water use. The public also have the opportunity to participate in the public hearing for the consideration for adoption of this proposed Order.
27	California Coastkeeper Alliance	General Comment	N/A	The State Water Board should conduct a proper antidegradation analysis to ensure the draft order does not result in degradation of high quality waters. The State Water Board's antidegradation analysis conflicts with the Recycled Water Policy. The Antidegradation Policy applies to the disposal of waste to high-quality surface water and groundwater. The Policy requires that the quality of existing high-quality water be maintained unless the state finds that any change will be consistent with maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial use of such water, and	The General Order's antidegradation analysis consists of Findings 27 through 33 and addresses the constituents of concern and best practicable treatment or control. The antidegradation analysis does not conflict with the Recycled Water Policy. In addition to the antidegradation analysis provided in the General Order, a Regional Water Board executive officer may find that a project would result in excessive degradation and is therefore not consistent with the basin plan. In such cases, the project proponent may revise the project to make the project consistent with the basin plan. The General Order does not state that the order prohibits degradation of groundwater, instead the General

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				will not result in water quality less than that prescribed in policies as of the date on which such policies became effective. The Policy also requires best practicable treatment or control of discharges to high-quality waters to assure that pollution or nuisance will not occur, and that the highest water quality consistent with maximum benefit to the people of the state will be maintained. The State Water Board's Recycled Water Policy explains when the Antidegradation Policy will be applied in instances where a streamlined irrigation with recycled water permit is being developed. First, if a project "meets the criteria for a streamlined irrigation permit and is within a basin where a salt/nutrient management plan satisfying the provisions of paragraph 6(b) is in place may be approved without further antidegradation analysis". Second, if a project is within a basin where a salt and nutrient management plan is being prepared for approval, then the project proponent must demonstrate "through a salt/nutrient mass balance or similar analysis that the project uses less than 10 percent of the available assimilative capacity as estimated by the project proponent in a basin/sub-basin (or multiple projects using less than 20 percent of the available assimilative capacity as estimated by the project proponent in a basin/sub- basin)." And finally, if a project is not within a basin with a salt and nutrient management plan, then the State Water Board finds that "the use of water for irrigation may, regardless of its source, collectively affect groundwater quality over time." The Draft Order's antidegradation analysis ignores the Antidegradation Policy and conflicts with the Recycled Water Policy. To be consistent with the Recycled Water Policy's antidegradation provisions, we suggest the following language from the Policy be included in the Order: *In the event that a project is being proposed in a basin where a salt/nutrient management plan is being prepared, the administrator must show through a salt/nutrient mass balance or similar analysis that the project uses less than 10 percent of the available assimilative capacity as estimated by the project proponent in a basin/sub-basin (or multiple projects using less than 20 percent of the available assimilative capacity as estimated by the project proponent in a basin/sub-basin).*	Order allows limited degradation of groundwater where that degradation is shown to be consistent with the Antidegradation Policy, including that such degradation is in the interest of the people of the State. Finally, the proposed language is not necessary because General Order Specification B.1.i requires compliance with the Recycled Water Policy.
28	California Coastkeeper Alliance	Finding 27	N/A	The State Water Board should conduct a proper antidegradation analysis to ensure the draft order does not result in degradation of high quality waters. The State Water Board's antidegradation analysis of whether recycled water will degrade high quality waters is insufficient and conflicts with recent case law. The Draft Order is inconsistent with California courts interpretation of the Antidegradation Policy. In a recent decision, Association De Gente Unida Por El Agua v. Central Valley Regional Water Board (Agua), the court held that Antidegradation Policy "applies whenever there is: (a) existing high quality water, and (b) an activity which produces or may produce waste or an increased volume or concentration of waste that will discharge into such high quality water."Similar to the analysis the State Water Board performed here in the Draft Order, the court in Aqua was not convinced by the Board's contention that no analysis under Antidegradation Policy was necessary because the order prohibits further degradation of groundwater. First, the court found that an actual showing of degradation is not required; instead the policy applies when there "is a determination that the receiving water is high quality water and that an activity will discharge waste into the receiving water." The policy presumes from these two facts that the quality of the receiving water will be degraded by the discharge of waste.The court also found the monitoring system upon which the order relies to support its contention that no further degradation will occur was insufficient for the task. Similar to the Draft Order, Agua's monitoring program was determined by the court to be incapable of "alert[ing] the Regional Board if a dairy is degrading the groundwater." For instance, the monitoring program was limited to existing supply wells, which were not located in the proper areas to detect degradation and would not show pollution until several years after its release. The order also did not contain a timetable for monitor well installation, an enforcement mechanism for violations, nor did it test for all constituents of concern.Overall, "monitoring	An antidegradation analysis is provided in the General Order. Based on the relative low threat to groundwater quality that results from using recycled water, groundwater monitoring is generally not appropriate. However, the Regional Water Boards have the authority to require groundwater monitoring in cases where it is appropriate. The General Order's antidegradation analysis consists of Findings 27 through 33 and addresses the constituents of concern and best practicable treatment or control. Finding 33 provides for Regional Water Board executive officers to make findings should they determine that a proposed recycled water project is not consistent with the antidegradation analysis; storage of recycled water in ponds would cause degradation beyond that allowed in the General Order; would cause or contribute to pollution or nuisance, or otherwise fail to comply with the applicable Basin Plan of State Water Board plan or policy; fails to implement CEQA required mitigation measures; is not consistent with a total maximum daily load (TMDL) allocation or implementation plan, or is not consistent with the Basin Plan provisions for implementing a salt nutrient management plan (SNMP). The General Order does not state that the order prohibits degradation of groundwater, instead the General Order allows limited degradation of groundwater where that degradation is shown to be consistent with the Antidegradation Policy, including that such degradation is in the interest of the people of the State. Groundwater monitoring is generally not required at recycled water application sites because the recycled water is treated to remove, or significantly reduce many of the constituents of concern, the land application of the recycled water provides additional treatment in natural soil processes, and recycled water generally is not the only source of

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				conducted from supply wells alone does not provide either an accurate or a timely indication of groundwater degradation." Therefore, the court found that the Antidegradation Policy applied to the Regional Board's Order because of evidence in the record that at least some of the groundwater affected is high quality groundwater and the Order allows the discharge of waste to groundwater. Similarly, evidence in the record exists that groundwater will be affected by this Draft Order. Like Agua, there is no monitoring in place to accurately quantify the amount of groundwater degradation.We suggest the Draft Order *contain adequate monitoring to determine compliance with the Antidegradation Policy and water quality objectives.*	irrigation water. In many cases, supplemental irrigation water is required to meet the crop irrigation demand. In those cases where recycled water may be a higher threat to groundwater quality, such as were recycled water may be stored for long periods of time in an unlined pond, which might allow substantial percolation to groundwater, or where recycled water is the sole source of irrigation water, the Regional Water Boards have discretion in project approval (as noted above). In such cases, the project proponent would be informed that the project is not consistent with the Basin Plan, TMDL, SNMP, etc. and the proponent would have an opportunity to revise the project to allow compliance with the requirements. However, Regional Water Boards have authority to require installation of groundwater monitoring wells should they have reason to believe groundwater degradation exceeds the limits allowed by the relevant Basin Plan, site-specific antidegradation analysis, TMDL, SNMP, etc. Furthermore, the General Order contains a monitoring and reporting program (MRP), which is in addition to the MRP that is issued for the recycled water producing facility. The application process includes characterization of the recycled water quality. Recycled water producers are required to submit regular monitoring reports to the Regional Water Board. Changes in water quality will trigger further scrutiny of the facility activities by the Regional Water Board. The combination of relative low risk activity, screening projects risk level during the application process, and regular monitoring requirements makes requiring expensive groundwater monitoring inappropriate.
29	California Coastkeeper Alliance	General Comment	N/A	The State Water Board should conduct a proper antidegradation analysis to ensure the draft order does not result in degradation of high quality waters. The State water Board needs to provide a proper antidegradation analysis. The Order states that to "To the extent use of recycled water may result in a discharge to a groundwater basin that contains high quality water, this General Order authorizes limited degradation consistent with the Antidegradation Policy as described in the findings below." This type of circular statement is precisely what Agua determined to be not sufficient as a proper antidegradation analysis. The State Water Board must adhere to the proper analysis to determine whether the antidegradation analysis within Resolution 68-16 applies to NOIs seeking coverage under the Draft Order. The analysis should be: 1. Establish the baseline water quality, which is the best level of water quality that has existed since 1968. 2. Compare the baseline water quality to the water quality objectives. 3. If the baseline water quality is equal to or less than the objectives, the objectives set forth the water quality that must be maintained or achieved. 4. If the baseline water quality is better than the water quality objectives, the policy applies and the baseline water quality must be maintained. 5. Existing high quality waters are waters with existing background quality unaffected by the discharge of waste and of better quality than that necessary to protect beneficial use 6. Where the waters contain levels of water quality constituents or characteristics that are better than the established water quality objectives, such waters are considered high quality waters.	The General Order allows groundwater degradation that is consistent with the Antidegradation Policy. The General Order does not state that the Antidegradation Policy does not apply or that groundwater quality degradation will not occur because the order prevents it. Rather the General Order recognizes that degradation may occur, but limits such degradation as prescribed by the Antidegradation Policy. The General Order also includes a process to evaluate proposed projects and require changes when necessary.

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30	Eastern Municipal Water District	Finding 34	15	The permittee's enrollment option, be replaced with the existing language found in the 2014 General Order Finding No 29. EMWD prefers to be covered by the individual permits already in place. The individual permits have been developed for EMWD's recycled water program through a collaborative effort with our Regional Boards and the permit fits our specific needs while ensuring groundwater quality and public health protection. There would be no advantage or benefit to the Regional Boards or EMWD to change our existing permits and be covered by the Draft General Order. In fact, it produces an unnecessary burden requiring additional notification, monitoring and reporting. Therefore agencies with successful programs should have the ability to continue their current practices. EMWD believes that these local working relationships are better equipped to administer the established recycled water programs. EMWD is accepting of retaining the option to seek coverage as written under the current General Order, Order WQ 2014-0090-DWQ, which states: "Producers, Distributors, or Users of recycled water covered under existing orders (water recycling requirements, master reclamation permits, general or individual waste discharge requirements, or waivers of waste discharge requirements) for the use of recycled water may elect to either: (i) continue or expand coverage under existing orders or; (ii) apply for coverage under this General Order. " Therefore, EMWD recommends that Finding No. 34 of the Draft General Order be replaced with the existing language as stated above.	This Finding has been substantially revised. A 21-day additional public comment period was provided to allow additional comments. Please see Responses to Additional Public Comments. Water Code section 13263 (e) states “All requirements shall be reviewed periodically.” Updates keep the WDRs up to date with policies of the State. Furthermore, use of a general order will streamline the backlog of orders that are overdue for an update. While land discharge WDRs do not expire, the State Water Board’s Administrative Procedures Manual establishes an update schedule for WDRs.
31	Eastern Municipal Water District	Finding 36	15	Clarification of Recycled Water User as signator on the NOI. Clarification is needed for the language in Finding No. 36 that seems to require the signature of the recycled water users on the NOI. EMWD would like to clarify that it is not intended for every recycled water customer to sign the NOI. This would be burdensome and unnecessary.	The Order has been revised to address this comment. Revisions have been made as requested.
32	Gloria Potter	General Comment	N/A	I've been aware of information sent to you by Russian River Watershed Protection Committee and it strikes me that the State Water board really needs to give more attention to that information about recycled water. More management of it than has been given to discover hidden toxins seem imperative and not just for the residents and fish of that area. Brenda Adelman, the RRWPC chair has been researching and sending you vital statistics from valid studies of water quality, sincerely sending them, for years. And showing how more "stringent mandatory requirements of water conservation (in ag as well as urban use)" is a preferable course to take.. in conjunction with the very careful use of recycled water.	Thank you for your comment. Staff acknowledges your support for RRWPC and their efforts. Please see responses provided to RRWPC comment letter.
33	Marie and Harold Olson	General Comment	N/A	We have owned property in Guerneville since the 1970'S. In all that time we have followed the lead of Brenda Adelman. We have gone to RRWPC meetings. We have volunteered for mailings. We have donated to the causes that she has so diligently supported. The Russian River has no greater supporter than Ms. Adelman. Please regard this letter from the two of us as support for all of Brenda's endeavors on this specific issue.	Thank you for your comment. Staff acknowledges your support for RRWPC and their efforts. Please see responses provided to RRWPC comment letter.
34	Wendy Krupnick	General Comment	N/A	I am copying below the comment letter prepared by the Russian River Watershed Protection Committee, because I support this letter and echo their concerns. I'm particularly concerned about pharmaceuticals in tertiary treated recycled water. So many Americans take drugs regularly and it is well know that much of this medicine passes through the body and into our sewers. We know these drugs have powerful effects but have no idea what the long term effects of mixtures of drugs will have on all life forms they are in contact with Europe and other countries utilize the Precautionary Principle. Until substances are proven safe, they are not allowed to be widely used. And we already know that many toxic chemicals are in wastewater. Use of recycled water should be strictly limited and monitored.	Thank you for your comment. Staff acknowledges your support for RRWPC and their efforts. Please see responses provided to RRWPC comment letter.

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35	Jane Nielson	General Comment	N/A	SWiG understands the State Water Board's attempt to extend limited potable supplies by recycling large amounts of wastewater as a response to the apparently ongoing drought. But we are SWiG members are concerned about possible unintended consequences of the Board's General Order for Recycled Water Use as a way to streamline the process for developing new projects. We request that the Board delay authorizing this General Order to afford additional study of the whole issue.Currently about 85,000 chemicals are registered for use, but almost none are regulated. At least 1000 of these chemicals have demonstrated endocrine disrupting characteristics. Scientific studies have shown that even exposures to minute amounts can cause a multitude of serious health problems, especially in exposed children. Impacts on fish in natural settings may be even more devastating. People who eat the fish may be exposed to a range of disease-causing substances.Wastewater treatment systems aggregate masses of unknown chemicals, including cleaning, pharmaceuticals, cleaning, personal care, and building products, and many more. How these substances may combine in wastewater to form new, and sometimes more dangerous, compounds is unknown. Two relatively benign chemicals can react to form toxic substance. Such toxic substances have been found in even the most highly treated wastewaters.Tertiary-treated wastewater irrigation water often runs off into local storm sewers, and can end up in streams, where it has the potential to affect the habitats of wildlife, fish and other aquatic life, and human recreational areas. The health of any living things in these areas thus could be at serious risk. The proposed General Order states that if recycled wastewaters meet "Title 22" standards, and all other applicable laws intended to protect public health, then they are safe for approved uses, including irrigation of food crops, spraying of children's parks and schools, and other uses. None of the cited regulations address endocrine disruption, nor many of the toxins or the pesticides in runoff from the wastewater application. Health departments are concerned about pathogens, but almost totally ignore toxic exposures. Notably, even organic vegetables can be irrigated with wastewater.Furthermore, these projects would take place in summer, when natural flows generally are extremely low, and may be even lower due to drought. In summer the receiving water body may have no capacity to assimilate nutrients or toxins in the wastewater. Summer is also the time when humans are most likely to have direct contact with the wastewater through recreational activities.	The Order prohibits discharges to surface waters. Runoff from use areas that end up in waterways is considered a violation of the conditions of the Order. Some NPDES permits for wastewater treatment plants that allow discharges to surface waters often include a provision for no-discharge if minimum flows in receiving waters are non-existent to prevent negative impacts on the receiving water environment and fish habitat. The commenter's main concern is on unregulated chemicals, including those that have demonstrated endocrine disrupting characteristics that are not currently regulated in wastewater discharges, also known as CECs (Contaminants of Emerging Concerns). In the 2009 Recycled Water Policy, the State Water Board recognizes that the set of knowledge regarding CECs is incomplete, and there needs to be additional research and development of analytical methods and surrogates to determine potential environmental and public health impacts. The State Water Board continues to recognize that consideration of CEC effects on human health and aquatic life is a rapidly evolving field, and that regulatory requirements need to be based on best available science. The 2013 amendment of Recycled Water Policy incorporated the Science Advisory Panel (CEC Panel) recommendations on a short list of monitoring parameters, including health-based indicators and performance-based indicators. The list also incorporates CEC from multiple source classes (pharmaceuticals, personal care products, food additives, and hormones). The panel additionally developed guidance for interpreting and responding to monitoring results. The CEC Panel report was finalized in June 2010 and is available on this link: http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/docs/cec_monitoring_rpt.pdf The CEC Panel's effort was limited in context and scope to the State's Recycled Water Policy. To address additional questions relevant to ambient aquatic environments, the State Water Board in conjunction with the David and Lucile Packard Foundation partnered with SCCWRP to support a second Science Advisory Panel (CEC Ecosystems Panel) that provided the State with recommendations on how to best limit the impact of CECs on oceans, estuaries, and coastal wetlands. The State Water Board also expanded the panel's charge to also provide guidance on appropriate monitoring and management strategies for CECs in California's freshwater ecosystems. The CEC Ecosystems Panel report was finalized in April 2012 and is available on this link: http://www.sccwrp.org/ResearchAreas/Contaminants/EcosystemsAdvisoryPanel.aspx Both CEC Panel and CEC Ecosystems Panel recommend that the State continue to promote and support research initiatives to continue to fill the data gaps and improvements in monitoring and interpretation of CEC data for waters receiving WWTP effluent and stormwater discharge. In line with these recommendations, the State and Regional Water Boards are working on a statewide CEC Initiative that will coordinate ongoing CEC efforts in the state and will develop a framework for a statewide management strategy to identify and recommend that CECs are of highest importance on an ongoing basis. The CEC Initiative will include monitoring projects that will provide a feedback loop to inform statewide regulatory actions. Additionally, the State Water Board continues to working with members of the recycled water community to identify knowledge gaps regarding specific topics in recycled water research, including potable and non-potable applications, to better understand recycled water research funding priorities. The State Water Board hosted Recycled Water Research Workshops in 2014 and 2015 to identify and prioritize recycled water research projects. The State Water Board is currently funding three recycled water research projects and will continue to fund recycled water research through funds made available by the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (2014 Bond Law, Proposition 1). These research

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					efforts will support and inform regulatory processes, such as the consideration of this Order or future updates to Recycled Water Policy, to ensure that uses of recycled water do not negatively impact the environment and human health. To carry out the CEC Ecosystems Panel recommendation for the monitoring of CECs in aquatic ecosystems, the State Water Board contracted with SCCWRP to develop recommendations for a statewide monitoring pilot study for CECs. The State Water Board has taken those recommendations drafted a pilot study intended to not only provide baseline information for Water Board programs and the public but to begin to answer questions regarding presence and detection of initial target CECs in different waterbody types across the state. Included in this pilot is a category of innovative and emerging "bioanalytical" monitoring methods aimed at assessing whether CECs adversely affect the biological processes and therefore overall health of aquatic organisms. The draft pilot study includes a list of initial target CECs for the pilot study was developed using a chemical-specific risk-based assessment framework. This pilot effort will also explore some of the contemporary approaches to non-targeted CEC (chemical) analysis. State and Regional Water Board staff will continue to work with its stakeholders to refine and implement this pilot study over the next several years. In the meantime the State Water Board will compile as much of the existing data on CECs in the ambient waters as possible on an open data platform to help inform and direct future ambient monitoring efforts. More information on the CEC pilot study, datasets available and guidance documents are available on this link: http://www.waterboards.ca.gov/water_issues/programs/swamp/cec_aquatic/
36	Sacramento Regional CSD	Finding 40	16	In-lieu Groundwater Replenishment should be covered by this Order. In- lieu replenishment of groundwater can occur when recycled water is used for irrigation in lieu of pumping groundwater. Finding 40, page 16, "Purpose and Applicability" calls for "additional authorization for new uses", but does not state any specific use. We are requesting that in-lieu groundwater replenishment be applicable under this Order.	Groundwater replenishment projects are not eligible for coverage under General Order. The General Order requires recycled water application at rates to prevent incidental groundwater recharge project. Thus a project that over applies recycled water and causes incidental recharge would not be an authorized new use of recycled water.
37	Sacramento Regional CSD	Finding 33	14	At the Regional Board level, the determination on whether a recycler is eligible for coverage under the General Order should reside with the Executive Officer only. The current language under Finding 33, page 14, implies that designees of the State Board's Executive Director or the Regional Board's Executive Officer may determine the eligibility under this Order. This delegation of authority should only reside with the State Board's Executive Director. At the Regional Water Board level, this is a significant decision and this authority should be made at the Executive Officer level only.	Only designees of the State Water Board's Executive Officer can be delegated the authority. The word "(designee)" placed after "Executive Director" is only applicable to State Water Board's executive director and does not extend to designee of a Regional Water Board executive officer. In addition, Delegation of powers and duties vested in the Regional Water Board can only be delegated to its executive officer per California Water Code section 13223.
38	Sacramento Regional CSD	Finding 34	15	Coverage for existing permit holders should not be discontinued under this Order. The current 2014 Order allows agencies to make an election as whether to continue under their existing permit or apply for the new coverage under the General Order. The proposed Order, however, removes this option from the agency, and instead allows a Regional Board the discretion to request the agency to apply for coverage under the General Order (Finding 34, page 15). We request that similar language that was adopted in the 2014 Order that allows agencies to make the choice about which permit works best for their project be included in the proposed General Order.	This Finding has been substantially revised. A 21-day additional public comment period was provided to allow additional comments. Please see Responses to Additional Public Comments. Water Code section 13263 (e) states "All requirements shall be reviewed periodically." Updates keep the WDRs up to date with policies of the State. Furthermore, use of a general order will streamline the backlog of orders that are overdue for an update. While land discharge WDRs do not expire, the State Water Board's Administrative Procedures Manual establishes an update schedule for WDRs.

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39	Sacramento Regional CSD	Water Recycling Administrator Requirement C.6	21	The language on “hiring” a third party for Administrator tasks is too limiting. The proposed Order requires an Administrator to perform certain tasks, unless it “hires” a third party agent (Water Recycling Administrator Requirement 6, page 21). This language is too constraining, as the tasks listed could be performed by a partner or other entity that may not be paid directly. We recommend replacing the word “hire” with “use”.	The Order has been revised to address this comment. Revisions have been made as requested.
40	Sacramento Regional CSD	General Provision D.8	24	The Regional Board should have limited ability to modify aspects of the Monitoring and Reporting Program (MRP). As currently written, the Proposed Order allows the Regional Boards to change the MRP at their discretion, which can not only be costly to agencies, but also a disincentive for agencies to enroll in the General Order (General Provision 8, page 24). A consistent model MRP provides certainty to agencies regarding their monitoring obligations. Therefore, we suggest that the Regional Boards should have limited ability to modify the MRP, and that the change to the MRP should be made at the Executive Officer level only.	The Regional Board Executive Officers have the discretion to modify the Monitoring and Reporting Program under California Water Code section 13267. State Water Board staff acknowledges the need to facilitate consistency and provide some level of certainty regarding their anticipated monitoring obligations by preparing a model Monitoring and Reporting Program as an attachment to the Order (Attachment B).
41	South Orange County Wastewater Agency	Finding 34	15	First of all, we would reiterate CASA and WateReuse's concern that the Proposed Order would no longer allow agencies "to elect to either (i) continue or expand coverage under existing orders or; (ii apply for coverage under this General Order" which was negotiated language in the 2014 Order. Rather, under the Proposed Order, the Regional Board would have the discretion to decide whether the agency may continue to operate under existing orders: "Dischargers covered under other existing orders (water reclamation requirements, master reclamation permits, general or individual waste discharge requirements, or waivers of waste discharge requirements) may continue to operate under that authority until requested by the Regional Water Board to either: (i) continue or expand coverage under existing orders or; (ii) apply for coverage under this General Order." (Finding 34, Purpose and Applicability, p.15). We respectfully request that you restore the language included in the 2014 Order allowing the agency to decide whether to continue coverage under its existing order or to apply for coverage under the General Order.	This Finding has been substantially revised. A 21-day additional public comment period was provided to allow additional comments. Please see Responses to Additional Public Comments. Water Code section 13263 (e) states “All requirements shall be reviewed periodically.” Updates keep the WDRs up to date with policies of the State. Furthermore, use of a general order will streamline the backlog of orders that are overdue for an update. While land discharge WDRs do not expire, the State Water Board’s Administrative Procedures Manual establishes an update schedule for WDRs.
42	South Orange County Wastewater Agency	Specifications B.3	20	Furthermore, SOCWA is concerned about the O&M plan provision under Specification B.3 (p. 20) which states: "Uses of recycled water with frequent or routine application (for example: agricultural or landscape irrigation uses) shall be at agronomic rates and shall consider soil, climate, and plant demand. In addition, application of recycled water and use of fertilizers shall be at a rate that takes into consideration nutrient levels in recycled water and nutrient demand by plants. The State or Regional Water Board may require the Administrator to submit an Implementation or Operations and Management Plan specifying agronomic rates and nutrient application for the use area(s) and a set of measures to ensure compliance with this General Order. An Administrator may submit a nutrient management plan developed to comply with another Water Boards' order, such as waste discharge requirements or a waiver regulating discharges from irrigated lands, in lieu of an Implementation or Operations and Management Plan. Other uses of recycled water that are infrequent (for example: dust control, firefighting, hydrostatic testing, etc.) must also be addressed by a set of measures within an Implementation or Operations and Management Plan." This provision is (1) inconsistent with the State's Recycled Water Policy and SOCWA's Salt and Nutrient Management Plan ("SNMP"); (2) redundant of the requirements set forth in the Recycled Water Policy and SNMPs' required Monitoring and Assessment Plan; and (3) an unnecessary over regulation of recycled water use sites with minimal, if any, resulting benefits.	The Regional Boards have the discretion to not require the Operations and Management Plan and accept an alternate plan prepared for compliance with a Regional Water board approved salt and nutrient management plan. Compliance with any applicable salt and nutrient management plan adopted by the Regional Water Board as a Basin Plan Amendment is consistent with Criteria for streamlined permitting for irrigation projects (Recycled Water Policy par. 7.c).

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43	Valley Water Management Company	Finding 7	2	As stated in Finding 7 of the draft General Order, "'Recycled Water' means water which, as a result of treatment of waste is suitable for direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource. (Wat. Code §13050(n).)" Although this definition is broad, the next sentence of Finding 7 unnecessarily narrows and limits coverage under these Water Reclamation Requirements (WRRs) for recycled water use "to treated municipal wastewater for uses consistent with the Uniform Statewide Recycling Criteria, and other uses approved by the State Water Board on a case-by-case basis." As acknowledged in the draft General Order, "recycled water" is all water that results from the treatment of waste. However, "waste" includes not just "sewage," but "any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed into containers of whatever nature prior to, and for the purposes of, disposal." (Wat. Code §13050(d).) Other forms of "waste" besides municipal wastewater can be recycled to meet water quality objectives set to protect beneficial uses and should also be allowed coverage under the WRRs being proposed, or at least under another, separate WRRs to allow for more widespread use of recycled water that includes treated industrial stormwater or treated produced water.	Other forms of "waste" besides municipal wastewater can be recycled, however, the scope of this Order is intended to be limited to recycled water from treatment of municipal wastewater in order to maintain a permitting approach consistent with the Water Code section 13263 for prescribing a general waste discharge requirement for a category of discharges. Municipal wastewater primarily consists of domestic wastewater and is generally well characterized and has a generally consistent wastewater quality. Characteristics of municipal wastewater are also well documented through EPA and other academic literatures. Wastewater from other types of waste has many variability specific to the type of industry or activity producing the waste, therefore not as predictable. Other types of waste will result in additional considerations and determinations for treatment and monitoring requirements included in the Order, significantly increasing the Order's complexity.
44	San Diego County Water Authority	Finding 34	15	The Proposed Order specifies that entities may continue to operate under existing orders until requested by the Regional Water Board to either: (i) continue or expand coverage under existing orders or; (ii) apply for coverage under this General Order. Many agencies in the San Diego region have expressed strong opinions on retaining coverage under their existing permits with the option to "opt in" to the proposed statewide general permit should they elect to do so. <u>We ask that you restore the language included in the adopted 2014 Order allowing a recycler to make an election regarding coverage for new and existing projects.</u> A mandate to enroll in the State's final, General Permit will not be necessary if the Proposed Order and its application helps to streamline approved recycled water uses.	This Finding has been substantially revised. A 21-day additional public comment period was provided to allow additional comments. Please see Responses to Additional Public Comments. Water Code section 13263 (e) states "All requirements shall be reviewed periodically." Updates keep the WDRs up to date with policies of the State. Furthermore, use of a general order will streamline the backlog of orders that are overdue for an update. While land discharge WDRs do not expire, the State Water Board's Administrative Procedures Manual establishes an update schedule for WDRs.
45	San Diego County Water Authority	Finding 36	16	The Proposed Order requires that the NOI of an applicant covering multiple jurisdictions include the signature of all jurisdictions producing or distributing recycled water. However, the acknowledgements of participation in an Administrator's program is also done by agreements and described in Title 22 Engineering Reports. It is burdensome and unnecessary to also require this in the NOI. <u>We suggest revising this requirement so ONLY the applicant needs to sign the NOI.</u>	The Order has been revised to address this comment. Requirement to identify each entity involved in the production, distribution, or use of recycled water, including associated documentation is now part of Attachment A - Notice of Intent.
46	San Diego County Water Authority	General Provision D.8	24	As drafted, the Proposed Order appears to encourage regional boards to develop their own monitoring plans "when necessary" at their own discretion, outside of the model included in Attachment A. This uncertainty regarding monitoring obligations has been, and could continue to be, a disincentive for agencies to enroll in the General Permit. We recommend the following change: A model MRP is provided as Attachment C. ~~However, the Regional Water Board's Executive Officer or State Water Board's Executive Director (or designee) may modify or replace the MRP when deemed necessary.~~	The Regional Board Executive Officers have the discretion to modify the Monitoring and Reporting Program under California Water Code section 13267. State Water Board staff acknowledges the need to facilitate consistency and provide some level of certainty regarding their anticipated monitoring obligations by preparing a model Monitoring and Reporting Program as an attachment to the Order (Attachment B).

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47	San Diego County Water Authority	Specifications B.3	20	The 2014 Order regarding O&M specifications contained the qualifier that all measures must be "reasonably practicable", as stated below: *Operation and management plan specifying agronomic rate(s) and nutrient application for the use area(s) and a set of reasonably practicable measures to ensure compliance with this General Order. This may include a water and nutrient budget for use area(s), site supervisor training, periodic inspections, or other appropriate measures. This requirement does not apply to the extent Users are subject to WDRs, waivers of WDRs, or conditional prohibitions regulating agricultural discharges from irrigated lands.* As all measures should be reasonably practicable, we ask that this phrase be reinstated into the language. Recently, the San Diego Regional Board included language in the latest San Diego Basin Plan update that outlined "reasonably practicable practices" that ensured recycled water and fertilizer were applied at agronomic rates. The requirement to submit an Operation and management plan should NOT be applicable for infrequent or non-routine applications, such as fire- fighting, dust control, etc. where agronomic rates are not relevant.	The Order has been revised to address this comment. Revisions have been made as requested.
48	San Diego County Water Authority	Finding 17	5	Order states that salt and nutrient management plans are needed for every basin and sub/basin in California. When considering the beneficial uses, size and ambient water quality in each basin, a salt and nutrient management plan may have little value for some basins. Developing unnecessary plans is not a good use of limited resources.	It is the purpose of the Order to streamline permitting of recycled water project consistent with the State Water Board's Recycled Water Policy. The Order simply restates the intent of the Recycled Water Policy for every groundwater basin/sub-basin in California to have a consistent salt/nutrient management plan (Recycled Water Policy par. 6.b).
49	San Diego County Water Authority	Finding 28	8	Order states that salt and nutrient plans will require an analysis on an ongoing basis to evaluate inputs to the basins, the salt and nutrient mass balance, and the available assimilative capacity. While this may be true for some basins, it is not true for all basins. This is determined by each Regional Water Board when they update their basin plan. This statement should be deleted.	The intent of this Finding is to anticipate that Salt and Nutrient Management Plans are likely to be developed in an iterative process based upon the available data. It is anticipated that additional data will be required to develop SNMPs that are fully protective of beneficial uses.
50	San Diego County Water Authority	Finding 31	9	Order implies that when discharge does not meet the basin plan objective, treatment will be required. This should be clarified to state that compliance with a salt and nutrient management plan would constitute compliance with the basin plan and additional treatment would not be required.	Finding 31 describes constituents associated with recycled water that have the potential to degrade groundwater. If the discharge is not consistent with basin plan requirements, the applicant may elect to improve treatment to enroll under the Order. While the plans may, depending on local situation, address constituents other than salts and nutrients that affect groundwater quality, this Finding intends to addresses basin plan requirements not necessarily addressed by salt and nutrient management planning.
51	San Diego County Water Authority	Water Recycling Administration Requirements, C.13	22	Requires monitoring to be consistent with a salt and nutrient management plan. This would apply only if the salt and nutrient management plan is adopted into the basin plan. In that case, monitoring consistent with the basin plan is appropriate. This statement should be deleted.	The requirement states that monitoring must be consistent with any applicable salt and nutrient management plan. This can also mean salt and nutrient management plans for basin/sub basin that have been submitted and approved, but has not yet been adopted into the basin plan.
52	San Diego County Water Authority	Finding 25	7	General order does not cover waste treatment requiring two separate permits: one for waste discharge requirements for treatment, and one for recycled uses. This creates an inefficiency by requiring agencies to have two permits, where locally they could have a single permit, which includes both waste discharge requirements and master reclamation requirements. It also does not consider reclamation "only" plants that do not discharge waste.	The scope of the order is limited to use only to address the Governor's Executive Order to facilitate the use of treated wastewater. Recycling agencies producing recycled water are not required to obtain coverage under this Order and can choose to simplify its regulatory coverage by obtaining a master reclamation permit. There are waste discharges from reclamation "only" plants, for example discharge of off-spec water, which constitutes discharge of waste, and need to be permitted under a regulatory measure addressing

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					waste discharge.
53	San Diego County Water Authority	Finding 29	9	Order states that recycled application must be controlled to prevent airborne spray. This is an overreach, is not possible to achieve, and is not necessary. Recommended alternative language: "Application of recycled water should be controlled to minimize airborne spray when people are present in the recycled water use area(s)."	The Order states that that recycled water shall not create nuisance conditions by controlling the application to prevent airborne spray. The intent is to emphasize on control of application to prevent nuisance conditions at all times, instead of just limiting this to when people are present. Airborne spray that leads to excessive watering, ponding, and runoff from use area can be considered nuisance condition. Pathogens may also still be present in airborne spray or mist. Recycled water spray application, if exercised, must be done when the public is not present and in a manner that do not result in no ponding or runoff from use area application.
54	San Diego County Water Authority	Finding 31	11	Order states that blending of recycled water with stormwater will generally reduce loading of salts. There is no basis for this statement. Stormwater from urban runoff is often much poorer in quality than recycled water and can degrade the recycled water quality. This statement should be removed unless there is substantial data to support this statement.	The Finding describes blending of sources of irrigation water generally can reduce salinity concentrations and uses blending of stormwater and recycled water as an example. The use of stormwater is also recognized in the State Water Board Recycled Water Policy as another source of supply. As a general comparison of available values of water quality, staff compares available Total Dissolved Solids (TDS) values for stormwater quality reported by California Department of Transportation (Caltrans) and a published TDS value in an academic textbook. Caltrans completed a statewide Discharge Characterization Study Report in 2003 to characterize quality of runoff from transportation facilities throughout the state. The study consists of 60,000 data points from over 180 monitoring sites, and is available on this link: http://www.dot.ca.gov/hq/env/stormwater/pdf/CTSW-RT-03-065.pdf. Range of mean TDS values covering five types of Caltrans facilities range from 61.2 mg/L to 87.3 mg/L. Published TDS range values for typical effluent quality (recycled water) is 500 - 700 mg/L (Metcalf and Eddy, Wastewater Engineering Treatment and Reuse, Fourth Ed., Table 13-17).
55	San Diego County Water Authority	Finding 33	14	Order allows Regional Board EO or state Board EO to require a revision in a project on the basis of CEQA regardless of their authority to do so, where an alternative is "feasible" or where mitigation is "feasible." Because an alternative is feasible under CEQA, does not mean that it is the best option. In addition, mitigation required by other agencies would be beyond the Water Boards' authority. This statement should be deleted.	The Order has been revised to remove "or project alternatives found to be feasible." The purpose of this Finding is to allow Executive Officer or Executive Director to deny coverage under the Order if the proposed project could result in water quality degradation by not implementing mitigation measures for the project CEQA document.
56	San Diego County Water Authority	Finding 38	16	The permit states that to the extent this permit results in ag return water to waters of the US, those flows will not be subject to an NPDES permits, but would be permitted by WDRs. The Clean Water Act requires discharges to Waters of the US must be permitted by NPDES.	The Clean Water Act (CWA) section 502 (14) defines a point source as a discernible, confined, and discrete conveyance, such as a pipe, ditch, or channel. Agricultural stormwater discharges and return flows from irrigated agriculture are excluded from the CWA's definition of point source, and therefore not subject to an NPDES permit.
57	San Diego County Water Authority	Water Recycling Administration Requirements, C.7.	21	This requires the Administrator to be responsible for operation and maintenance of major transport facilities and associated appurtenances even if it has no ownership or control over those facilities. Delete this requirement since the Administrator may not be able to "delegate" responsibility because they do not have ownership or control.	As a permit holder, the Administrator has the primary responsibility to make sure that the permit conditions are met, including making sure that recycled water facilities associated with the permit coverage are well maintained and are functioning properly.

RESPONSES TO PUBLIC COMMENTS
DRAFT WATER RECYCLING REQUIREMENTS FOR RECYCLED WATER USE
COMMENT PERIOD CLOSED 22 FEBRUARY 2016

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58	San Diego County Water Authority	Water Recycling Administration Requirements C.6, C.8, C.14, C.16	21-23	This requires an Administrator to perform certain tasks (cross-connection inspections, periodic inspections, equipment labeling) unless it “hires” a third party agent. This language is too limiting, as the agent conducting these tasks could be a partner or other entity that would be assigned this responsibility but would not be hired and paid in the traditional sense. Recommend replacing the word “hire” with “use.”	The Order has been revised to address this comment. Revisions have been made as requested.
59	San Diego County Water Authority	Attachment B, Cooling/Industrial/Other Uses of Recycled Water	B-4	Requires consultation by applicant with SWRCB, DDW. For all applications, applicant will consult with SWRCB, DDW. Recommend stating “treatment, implementation and monitoring may be addressed on a case by case basis depending on the circumstances”.	The Order has been revised to address this comment. Revisions have been made as requested.
60	San Diego County Water Authority	Attachment D, Distributor	D-4	This states that a distributor could be an administrator, even if it does not distribute recycled water. Language is confusing and should be deleted. Recommend deleting language.	The definition provided in the Order for "Distributor" states that a distributor, regardless of whether it takes possession of the recycled water, can be an Administrator. A distributor can be a water wheeling agency whose facility is used to convey recycled water from a producer, without actually taking physical possession of the recycled water.
61	San Diego County Water Authority	Attachment D, Recycled Water Supervisor	D-4	This is defined as the person who acts in coordination between the supplier and the user. This could be confused with “Recycled Site Supervisor” and should be deleted. Perhaps a definition of “Recycled Site Supervisor” should be added.	Please see "Use Area Supervisor" is defined in Attachment D. A "user supervisor" meeting definition of Title 17, section 7586, can also be referenced for recycled water use areas for industrial purposes.
62	Andrew Wilson	General Comment	N/A	Regulatory Gap in Agency Oversight. I am concerned that a regulatory gap may exist in the oversight exercised by the State Board and the CDPH. The safety of DTTR water cannot be evaluated unless the degree of likelihood of adverse health consequences can be determined. I am concerned that there is widespread belief this determination has been made when in reality no one has done so. This unacceptable result is due in part to mistake and lack of inter-agency consultation.Specifically, I am concerned that the State Board is presuming that the CDPH quantified the degree of likelihood of adverse health effects of perchlorate in DTTR water at the time the CDPH adopted 22 CFR §60304 in the year 2000. Relying on that presumption, the State Board feels there is no need to repeat that work.I believe such a presumption is wrong; I believe that the CDPH, when it adopted the regulations, did not at that time quantify the degree of likelihood of adverse health effects of perchlorate accumulation in crops. I want to clarify that with the CDPH. That is why I request a written response to the question posed above: At the time the CDPH adopted 22 CFR §60304 in the year 2000, did the CDPH quantify the degree of likelihood of adverse health effects of perchlorate accumulation in crops?I urge the State Board not to adopt the Order until the response of the CDPH has been received in the record.	The State Water Board considers the need to protect public health in adopting the proposed order, and it has done so by requiring the uses of recycled water in accordance with the Uniform Statewide Recycling Criteria established by California Department of Public Health (CDPH). This approach is consistent with California Water Code sections 13520 – 13529.4 (Article 4 Regulation of Reclamation). CDPH is the primary state agency responsible for public health; therefore, it is reasonable for the State Water Board to reference the Uniform Statewide Recycling Criteria for uses of recycled water and appropriate levels of treatment for protection of public health. In preparation of this order, State Water Board staff considered levels of perchlorate present in recycled water used for agricultural irrigation by reviewing occurrences of perchlorate in agricultural sources. Staff also reviewed available wastewater effluent data from major NPDES facilities listed in the State Water Board’s permitting database from 2011-2014 to identify any perchlorate occurrences. These considerations are documented in a staff memo posted on the Board’s webpage. Among other findings, staff finds the following:1) Based on review of available permitting data, that perchlorate is sometimes present, and when measurable perchlorate is present, it is generally below 2 parts per billion (ppb); 2) Recycled water (all types, not only disinfected tertiary recycled water) makes up less than 1 percent of agricultural water supply, and when available, most agricultural water supplies are supplemented by groundwater or surface water sources. The Uniform Statewide Recycling Criteria allows undisinfected secondary as the minimum treatment level allowed for orchard where the recycled water does not come into contact with the edible portion of the crop; 3) In some parts of California, perchlorate concentrations are more prevalent in groundwater or surface water sources. Exhibit C, a scientific article submitted by Mr. Wilson titled “Potential perchlorate exposure from Citrus sp. irrigated with contaminated water” (Sanchez, 2006) to acknowledge that perchlorate accumulates in fruit and seed bearing crops and leafy vegetation irrigated with

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					perchlorate contaminated water. The study, however, concluded that the health risk from ingestion of citrus fruits does not pose a significant risk (below EPA reference dose). In 2012, the California Department of Public Health convened an expert panel to consider whether recycled water produced under California's Uniform Statewide Recycling Criteria sufficiently protects public health for agricultural food crop irrigation. While the report did not cite consideration of perchlorate specifically, as a whole the panel concluded that "current agricultural practices that are consistent with the (Water Recycling Criteria) do not measurably increase public health risk, and that modifying the standards to make them more restrictive will not measurably improve public health." Based on the review of CDPH's criteria referenced above, data available, and the study submitted, there is no reason to believe that agricultural irrigation with disinfected recycled water is a perchlorate-health risk, and that it is still appropriate to rely on the Uniform Statewide Recycling Criteria for use of disinfected tertiary recycled water for agricultural irrigation to address protection of public health.
63	Andrew Wilson	General Comment	N/A	The State Board Has Not Determined the Degree of Likelihood of Adverse Health Effects. Nothing in the record shows that the State Board has determined the degree of likelihood of adverse health effects due to crop contamination from perchlorate in DTTR water. In support of the Order, the State Board's web site references a "Fact Sheet," which addresses perchlorate ... The Fact Sheet wrongly suggests that perchlorate levels are safe because "[t]he Uniform Statewide Recycling Criteria was reviewed by an expert panel to determine whether it is sufficiently protective of public health for agricultural food crop irrigation." There is an implication that the "expert panel" concluded that compliance with title 22 is sufficient to make perchlorate levels safe. However, the written report of the expert panel shows that the panel never considered perchlorate. The report itself never mentions perchlorate. The report shows that the panel never attempted to determine the degree of likelihood of adverse health effects due to crop contamination from perchlorate in DTTR water... The passage of the Fact Sheet quoted above also refers to a State Board staff memorandum addressing perchlorate (the "Staff Memorandum"). The Staff Memorandum states that staff reviewed the monitoring data from 214 major NPDES waste water treatment facilities. Of those 214 facilities, only 17 monitor for perchlorate in their effluent. The Staff Memorandum describes the perchlorate test results of those 17 facilities ... It is unclear whether the State Board intends the above passage to mean that a level of 2 ug/l is okay for all crops, but a level of 10 ug/l might not be okay. The Staff Memorandum provides no analysis of that data with regard to crop safety. Rather, the Staff Memorandum is directed at determining if irrigating with recycled water is a significant source of perchlorate contamination in the environment. (Ex. 13, p. 2) In other words, the memorandum addresses the issue of whether irrigating with recycled water will result in perchlorate contamination of receiving bodies of surface water or ground water. The memorandum concluded that irrigating with recycled water is a relatively insignificant source of perchlorate in the environment based on type and volume of recycled water used for agricultural irrigation, and levels of perchlorate monitored in facilities that discharge to surface water. In general, for any given crop, the level of perchlorate in the edible portion of the crop, and the likelihood of harm to the public health, increases with increased levels of perchlorate in the irrigation water. The State Board needs to determine what is the likelihood of harm associated with different levels of perchlorate in the water. The determination needs to be based on science. The State Board needs to make sure that the actual perchlorate level in DTTR water does not	Determination of degree of likelihood of adverse human health effects due to crop contamination from perchlorate in disinfected tertiary recycled water is outside of the State Water Board's regulatory scope in preparation and adoption of this General Order. State Water Board does not have the authority to regulate food safety, whether it is unprocessed or value-added (processed) fruits and vegetables. The authority for such regulations belongs to California Department of Food and Agriculture, and California Department of Public Health's Food and Drug Branch. If irrigation water imparts a contaminant to the crop at a level that could cause the crop to be deleterious to health, CDPH has the authority to take action against the crop under the Sherman law adulteration provision. Mr. Wilson contends that the General Order fails to require monitoring for perchlorate and that this decision is not supported by the evidence. Mr. Wilson speculates that recycled water might contain perchlorate concentrations of concern and that the General Order should require monitoring. He cites a study of citrus crops irrigated with water containing perchlorate above the maximum contaminant level (MCL) for drinking water of 6 ug/l. This study concluded that perchlorate can concentrate in the fruit to a small degree. However, the study concluded that the health risk from ingestion of this citrus was negligible considering the low concentrations involved even after concentrating in the fruit. Monitoring data submitted to the water boards indicates that recycled water contains perchlorate at concentrations that are nearly always below the MCL and that are lower than the irrigation water in the citrus study. Thus, based on the citrus study and the perchlorate monitoring data in the State Water Board's database, there is no reason to believe that agricultural irrigation with recycled water is a perchlorate-related health risk. Mr. Wilson cites studies indicating that perchlorate can be present in bleach solutions that are sometimes used to disinfect water and wastewater. However, the study noted that given the high dilution of bleach with the treated water, even the highest concentrations of perchlorate detected in bleach diluted out to less than 1 ug/l in the finished water before it was released for public consumption. Mr. Wilson cites a draft report from Massachusetts that describes a wastewater plant that was discharging perchlorate in the range of 250 to 750 ug/l to suggest that wastewater can contain high levels of perchlorate. However, this was an isolated incident of an

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				result in an unacceptably high probability of harm. Prior to declaring DTTR water safe, the State Board should (1) decide for different crops what upper level of perchlorate results in an acceptable probability of harm, and (2) require ongoing monitoring to see that those levels are not exceeded.	unauthorized discharge that was corrected. Consequently, it is not representative of wastewater treatment plants in general and should not relied upon as any indication of what can reasonably be expected. Under Water Code section 13267, the benefits of required monitoring must justify the burdens that it imposes. Agricultural irrigation with recycled water has been ongoing for decades with no known health risk from perchlorate or other Constituents of Emerging Concern (CECs). Without any reason to believe such a risk exists, the burden of requiring the monitoring Mr. Wilson seeks would outweigh any benefit to be obtained. Finally, Mr. Wilson cites a study indicating that hormones and other endocrine-disrupting chemicals can have adverse health effects at lower doses than have been studied by most research scientists. Even if this study is correct, it is too theoretical for the State Water Board to rely upon to take any regulatory action. For instance, the study argues that endocrine-disrupting chemicals can have adverse effects at lower levels than had been assumed, but the study does not recommend any specific exposure levels to be used for regulatory purposes. Thus, the study provides no substantial evidence that these unregulated CECs threaten public health when recycled water is used for irrigation in compliance with the General Order. To address concern regarding levels of perchlorate in recycled water used for irrigation of citrus crops, staff prepared a Staff Memorandum to address occurrences of perchlorate in various sources of agricultural irrigation. As addressed in the Staff Memorandum irrigating with recycled water is not only an insignificant source of perchlorate contamination in the environment but also an insignificant source of perchlorate in sources used for agricultural irrigation. In reviewing monitoring data from 214 major NPDES wastewater treatment facilities, staff referenced the California adopted Maximum Contaminant Level (MCL) of 6 ug/L (ppb) for drinking water sources. It is important to emphasize that potable uses of recycled water are not eligible for coverage under the General Order. MCLs are established based on daily ingestion of2 liters (68 fluid ounces) of drinking water containing pollutant concentrations at the MCL over a lifetime. Such exposure is more significant than exposure to the small volume of water contained in citrus fruit. Consequently, it is not likely to be a health problem if citrus fruit exceeds the MCL to some degree. The probability of a consumer ingesting 68 ounces of orange juice, seven days a week, made exclusively from oranges irrigated with perchlorate-contaminated irrigation water is extremely low. Sufficiently low that the State Water Board cannot rely on its nuisance abatement powers to regulate in this area – especially where the food and drug safety agencies have primary expertise and have declined to do so. The State Water Board relies on the latest adopted version of Uniform Statewide Recycling Criteria established by California Department of Public Health to determine whether the use of recycled water is protective of public health. The Uniform Statewide Recycling Criteria was reviewed in 2012 by an independent advisory panel convened by California Department of Public Health to consider whether recycled water produced in conformance with the California's Uniform Statewide Recycling Criteria sufficiently protects public health for agricultural food crop irrigation. The panel concluded that "current agricultural practices that are consistent with the [Water Recycling Criteria] do not measurably increase public health risk, and that modifying the standards to make them more restrictive will not measurably improve public health." The degree of likelihood of adverse effects from perchlorate has been determined by the EPA Reference Dose (RfD) of 0.0007 mg/kg/day. The RfD is an estimate of a daily oral exposure to the human population (including sensitive subgroups) that is likely to be

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					without appreciable risk of deleterious effects during a lifetime. Exhibit C, a scientific article submitted by Mr. Wilson titled "Potential perchlorate exposure from Citrus sp. irrigated with contaminated water" (Sanchez, 2006) to acknowledge that perchlorate accumulates in fruit and seed bearing crops and leafy vegetation irrigated with perchlorate contaminated water. The study focuses on citrus produced in the southwestern United States that are irrigated with perchlorate-contaminated water, one private agricultural well contained perchlorate concentration as high as 18 ug/L. The study concluded that "potential perchlorate exposures from citrus in the southwestern United States are negligible relative to the reference dose recommended by the National Academy of Sciences."
64	Andrew Wilson	General Comment	N/A	Testing water for perchlorate is not expensive. Babcock Laboratories, a local Riverside lab, charges $175 to test for perchlorate. The consequences of perchlorate toxicity to unborn children are significant. A reasonable person trying to prevent harm to the public health would test DTTR water for perchlorate prior to using it for crop irrigation. Rather than speculating that the perchlorate level is likely to be low, the level should simply be tested. The Order approves conduct, the use of un-tested DTTR water, that creates an unreasonable danger to public health. I believe the State Board should consult with and receive in evidence the recommendations of CDPH on the health issues concerning perchlorate prior to adopting the Order. Among other things, the Order cites Water Code section 13523, which provides for consultation with CDPH, and consultation is envisioned by the Memorandum of Agreement between the agencies. (Ex. 14.) I believe that the CDPH, including its Division of Food Drug and Radiation Safety, has expertise in systemic contamination of crops, and should not be totally shut out of the process. The scientific articles I previously submitted contain information and data about the harmful effects of perchlorate that did not exist when title 22 was adopted in the year 2000. Prior to adopting the Order, the State Board should consider current science, including these articles, when determining the likelihood of adverse health effects from perchlorate contamination of crops. The perchlorate level in the edible portion of an orange can be significantly higher than the level in the irrigation water. A farmer's family member or loyal customers may drink a glass of orange juice from the farm every morning. The likelihood of adverse health effects from drinking orange juice with a perchlorate level in excess of the drinking water safety limit of 6 ppb should be a matter of concern.	Perchlorate is a regulated drinking water contaminant in California with a MCL of 6 ug/L since 2007. The General Order does not dispute the harmful effects of perchlorate. The General Order Finding 31.f. acknowledges presence of perchlorate in recycled water and its potential formation as a result of improper manufacturing, handling, and storage of hypochlorite solutions used for disinfection. While perchlorate contamination of crops is an issue, determination of degree of likelihood of adverse human health effects due to crop contamination from perchlorate in disinfected tertiary recycled water is outside of the State Water Board's regulatory scope in preparation and adoption of this General Order. State Water Board does not have the authority to regulate food safety, whether it is unprocessed or value-added (processed) fruits and vegetables. The authority for such regulations belongs to California Department of Food and Agriculture, and California Department of Public Health's Food and Drug Branch. If irrigation water imparts a contaminant to the crop at a level that could cause the crop to be deleterious to health, CDPH has the authority to take action against the crop under the Sherman law adulteration provision. Under Water Code section 13267, the benefits of required monitoring must justify the burdens that it imposes. Agricultural irrigation with recycled water has been ongoing for decades without any documented or otherwise known health risk from perchlorate. Consequently, the burden of requiring the requested monitoring is not outweighed by any benefits to be obtained. Staff addressed Mr. Wilson's concern regarding the presence of perchlorate in irrigation water through preparation of a memorandum posted in the State Water Board program page. Recycled water (at all levels of treatment) makes up less than 1 percent of the agricultural water supply. In most cases, recycled water supplements irrigation water supply. Exhibit C, a scientific article submitted by Mr. Wilson titled "Potential perchlorate exposure from Citrus sp. irrigated with contaminated water" (Sanchez, 2006) was considered by staff in preparation of this General Order. It is important to point out that the study focus on contaminated water sources used for irrigation, such as "Colorado River water which is contaminated with perchlorate from a manufacturing plant previously located near the Las Vegas Wash, and groundwater from wells in Riverside and San Bernardino counties of California which are affected by a perchlorate plume associated with an aerospace facility once located near Redlands, California." The article does not suggest that any of the sources of irrigation water in the study is disinfected tertiary recycled water; instead it supports the staff memorandum that other sources are agricultural water supply containing perchlorate at much higher concentrations than recycled water perchlorate concentrations. The study describes the variability of sources for the citrus groves to be surface deliveries from the Colorado river, groundwater, or both sources. The largest values for perchlorate concentration for all tissues (fruits and leaves) are from trees sampled at Loma Linda from an irrigation well affected by a perchlorate plume associated with an aerospace facility.

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					Two sample points available for this well show perchlorate concentration samples of 15.8 ug/L and 18.1 ug/L, respectively over 2.5 and 3 times the MCL. These sources will never be permitted as drinking water sources without wellhead treatment reducing the levels of contaminants below legally acceptable concentrations. The burden of testing and deciding on whether the irrigation water is safe for irrigating crops for unregulated sources belongs to the owners responsible for the agricultural operation. While the article concludes that perchlorate accumulates in citrus trees to a small degree, it does not further substantiate the claim that perchlorate exposure from citrus by way of irrigation water is significant relative to the reference dose recommended by the National Academy of Sciences. The study concludes that "citrus trees do accumulate perchlorate from low concentrations in irrigation water. There is a potential for high perchlorate concentrations to accumulate in transpiring leaves but only trace levels are found in the edible fruit. These data show that perchlorate exposures from citrus in the southwestern United States are small relative to the reference dose recommended by the NAS." Agricultural irrigation with recycled water has a long history and currently represents a significant percentage of the reclaimed water used in the United States. In California, a large-scale recycled water irrigation for food crops is in Monterey County, CA, consists of 5,000 ha of food crops that have been irrigated with recycled water for more than a decade. This large-scale use of recycled water was preceded by an intensive, 11-year pilot study to determine whether or not the use of disinfected tertiary recycled water would be safe for the consumer, the farmer, and the environment. The pilot study results have shown that food crops are protected against pathogenic organisms. 2012 EPA Reuse Guidelines showcased this example of large scale use of recycled water for food crop irrigation. Although agricultural reuse standards are varying in the United States and globally, the primary goal is to protect public health and water resources. The EPA Reuse Guidelines noted that the California Uniform Statewide Recycling Criteria require the most stringent water quality standards with respect to microbial inactivation (disinfected tertiary recycled water).
65	Andrew Wilson	General Comment	N/A	Vague Alternative Grounds. It appears that the State Board may be relying on new alternative and independent grounds to support a conclusion that perchlorate levels are safe. The proposed Order repeats verbatim most of the findings contained in the previous order of the State Board that was upheld by Judge Chalfant. However, additional language has been added to two critical findings. The italicized language has been added to the following finding: By restricting the use of recycled water to those meeting the Uniform Statewide Recycling Criteria *or other standards set by State Water Board and Regional Water Board for protection of public health*, this General Order ensures that recycled water is used safely. (Order, p. 11, italics added.) The same new language has been added to this finding: When used in compliance with the Recycled Water Policy, the Uniform Statewide Recycling Criteria *or other standards set by State Water Board and Regional Water Board for protection of public health*, 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 raw and potable water supplies for approved uses. (Order, p. 3, italics added.)	The Order has been revised to address this comment. "Other standards set by State Water Board and Regional Water Board for protection of public health" have been deleted from the Order.

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				The Order does not disclose what these "other standards set by State Water Board and Regional Water Board for protection of public health" are, and leaves the State Board's actual mode of analysis improperly vague and hidden from scrutiny. The matter needs clarification.	
66	Russian River Watershed Protection Committee	General Comment	N/A	This Order calls for a Salt and Nutrient Area Management Plan but irrigation with wastewater has been going on for years without the Plan. There was a draft submitted several years ago with Santa Rosa in the lead role, but it seems to have disappeared. What happened to that? What is the time line for getting these done? How long can Regional Board authorize irrigation without it? We are also concerned about permitting of the trucking program where individuals can get up to 300 gallons a load and as far as we know, use it anywhere they want. Yes, they are given instructions about where they can apply it, but who's to check? Who's responsible for a spill if there's an accident? When the drought 'emergency' is declared ended, if ever, will the program be rescinded? We realize that the intent of this Order is to make more recycled water available to offset potable use for the protection of our rivers and streams, and we don't necessarily object entirely to the main goal, provided great care is taken to prevent wastewater runoff in summer time and contact with poisonous substances (pesticides, herbicides, etc.) that can make any wastewater runoff more dangerous.	State Water Board staff followed up with North Coast Regional Water Board (Region 1) staff regarding the progress of Salt and Nutrient Management Plan and was provided this response: "Region 1 has one SNMP in progress for the Santa Rosa Plain. It is in monitoring program development. As for deadlines, SNMP development for now is an ongoing and somewhat iterative process throughout the state. The recycled water policy calls for SNMPs to be adopted into Basin Plans by May 2016. However, the State Board recognized that many different approaches and timeframes will now be used to implement the intent of the recycled water policy around managing salts and nutrients while streamlining recycled water projects. Jeremiah Puget of our staff would be happy to provide more detail about the status of SNMP efforts in Region 1, if needed. Jeremiah can be reached at (707) 576-2835 or Jeremiah.Puget@waterboards.ca.gov"
67	Russian River Watershed Protection Committee	General Comment	N/A	CEQA elimination causes more problems….The General Order eliminates California Environmental Protection Act (CEQA) from consideration, thereby eliminating most of the public process. It also minimizes, through an extremely weak, and at times non-existent, inspection, monitoring and reporting program, the ability of enforcement to do its job. In fact, it seems to diminish and/or avoid any requirements that might suggest enforcement of runoff. It is hard or impossible to know if the irrigator is REALLY meeting agronomic rates on a regular and constant basis, and whether rules for incidental runoff are being met, (The definition in the Order only reflects the first part of the definition in the Recycled Water Policy and North Coast Basin Plan and eliminates the portion about poor management and repeated overspray.) Furthermore, there is a huge broadening of the irrigation 'authority' for individuals who are only minimally trained in using the wastewater.	On April 25, 2014, the Governor declared a state of emergency due to severe drought conditions and directed the State Water Board to adopt statewide general order for recycled water use. The Governor's directive provides that the CEQA requirement to conduct an environmental review is suspended to allow speedy adoption of the Order. The Governor's Executive Order B-36-15 extends the suspension of CEQA for the adoption of water reclamation requirements by the State Water Board.While CEQA requirement is suspended for the preparation of this Order, the Order requirements are prepared for compliance with the Porter Cologne Water Quality Control Act to protect the quality of water in the state. This CEQA exemption does not extend to entities carrying out projects. For example, new wastewater treatment plants or new recycled water pipelines are still subject to compliance with CEQA and subject of other public processes outside this Order's coverage. The Order requires that prospective enrollees submit a technical report describing the extent of its recycled water programs, including on how the proposed uses are going to be managed, how violations will be enforced, and how each use area supervisors are going to receive proper and up-to-date trainings. In addition, the Order requires that discharger submits an annual report which includes acreage of area where recycled water is applied, application rate, number of violations. This report, in turn, can be used to evaluate whether the recycled water program is properly managed and useful for modifying the enrollee's requirements for monitoring and reporting. The Regional and State Water Board are appreciative of the assistance provided by the members of the public to report any violations, such as excessive runoff or overspray.
68	Russian River Watershed Protection Committee	General Comment	N/A	This proposed Order, perhaps because it does not follow CEQA, does not consider, let alone integrate, upcoming water decisions such as National Marine Fisheries Service (NMFS) Biological Opinion (BO), demands for a 40% reduction in lower Russian summer flows (Fish Flow Project). Clean water that becomes available with this project, will thus be retained in the reservoirs, and the dirty stuff will end up downstream in the recreation areas. In the meantime, the cities grow and add many new people with the savings, while environmental conditions get worse and emergencies become more dire because of increased demand. (Note: We refer to reclamation water as 'dirty' because there are many unidentified toxins and toxic	The Order prohibits discharges to surface waters, including any runoff from use areas that eventually goes into surface waters. If a proposed water reuse program/project will decrease the amount of water in a stream or other waterway, the owner of the wastewater treatment plant needs to file a wastewater change petition with the Division of Water Rights, which includes a requirement for approval by California Department of Fish and Wildlife. Additionally, if the proposed project has the potential to impair the water supply of other legal users of water or

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				compounds remaining in the treated sewage that are unaddressed. Runoff is a key element of water quality problems. This document gives the impression that it is of no consequence, does not cause a problem, and need not be addressed.)	instream beneficial uses, the Division of Water Rights will require further notice of the petition. The requirement to comply with this process is reflected under Specification B.1.h. A Notice of Applicability will not be issued until the applicant can provide a documentation of approval of a wastewater change petition.
69	Russian River Watershed Protection Committee	Finding 33	14	Number 33e on page 14 of order states that any runoff that occurs will not be consistent with any TMDL or regional implementation plan as adopted by Regional Board. In our area, that means the badly impaired Laguna de Santa Rosa (six constituents) will not hold irrigation failures accountable for polluting runoff into our waterway. This seems to contradict #13 on page 5 where it states that, "When used in compliance with the Recycled Water Policy, the uniform Statewide Recycling Criteria or other standards set by State Water Board and Regional Water Board for protection of public health, and all applicable state and federal water quality laws, the State Water Board finds the recycled water is safe for approved uses….." (emphasis added) This certainly seems like a legal inconsistency!	The Order prohibits discharges to surface waters, including any runoff from use areas that eventually goes into surface waters. TMDLs are developed pursuant to the Federal Clean Water Act for protection and restoration of surface water quality. Discharges to surface waters, if unpermitted, are subject to enforcement actions. Finding 13 is intended to support use of recycled water as an alternative non-potable source as long as it meets Recycled Water Policy, Uniform Recycling Criteria, and all applicable state and federal water quality laws, which includes the Federal Clean Water Act and its associated implementations, such as TMDL. Finding 33 addresses the necessity of this protection by stating that the Regional Water Board Executive Officers or the State Water Board Executive Director has the discretion to deny coverage under the Order if the proposed program will result in water quality degradation as described in Findings 33a - 33f. As the comment points out, a proposed program that will result in pollution of a TMDL listed water way is a clear reason for denying coverage under the Order.
70	Russian River Watershed Protection Committee	General Comment	N/A	The regulatory focus of wastewater irrigation relies mostly on Title 22. This regulation primarily addresses human pathogens as they initiate acute diseases and does little or nothing to protect the public from chronic diseases, such as cancer. Most chronic diseases are often not diagnosed until long after the exposure(s) to agents that have caused it to occur. This makes it nearly impossible to protect people from harm from endocrine disrupting chemicals without implementing precautions before specific causation is determined. Application of wastewater to the landscape or crop at agronomic rates is supposed to prevent over irrigation and therefore provide great safety in application. However, we are not sure that actual practices in place are sufficient to assure this is being and will always be implemented properly. Yet appropriate applications at all times would go a long way towards making the project less risky and more acceptable to the public, especially in regards to health and safety. We would assume that soil types, weather, wind, plants irrigated, impervious surfaces, etc. would all being considered, if one can assume full monitoring and reporting takes place. Given the equipment that is commonly used and which appears prone to over spray, we wonder to what extent agronomic rates have been successfully applied in the past? How is success determined? Are rates set automatically? How often do they change? Must they be checked daily or hourly to be implemented properly? What reports are kept on daily applications? We also wonder about spray drift in wind. The sprays we have seen did not seem to control that. In other words, the intent of the rules are admirable, but do no good if not monitored and fully applied. It appears that site monitoring is only required monthly, which would be totally inadequate for assessing full compliance with requirements. There is a double message here: irrigators have all these rules to follow, but you don't have to monitor very often so it won't be a burden. All you have to do is declare that all is okay and turn in a report.	EPA 2012 Guideline for Water Reuse states the "the most critical treatment objective is pathogen inactivation. The reclaimed water must not pose an unreasonable risk due to infection agents if there is human contact, which could occur by whole body contact or ingestion." Consistent with EPA Guideline, emphasizing the importance of compliance with the Uniform Statewide Recycling Criteria is appropriate to make sure public health is protected. Application of recycled water at agronomic rates is a requirement for landscape irrigation projects to enroll for Order coverage. Overspray and runoff from use area are prohibited. Enrollees are expected to specify how they are going to meet this requirement and how to ensure its implementation in Operations and Maintenance Plans. Agronomic rates are set based on the type of vegetation being irrigated and recycled water quality. The determination is dependent on nutrient and hydraulic loading (for protection of water quality), which means rates cannot be pre-set in the Order. By enrolling under the Order (or any Order for that matter), the enrollee is legally bound to meet their obligations to comply with the requirements. Non-compliance with the requirements are grounds of enforcement orders.
71	Russian River Watershed Protection	General Comment	N/A	State and Regional Boards are authorized to require standards that really protect the environment, along with standards applicable to water quality and wildlife. But the Order emphasizes the role of Title 22 (Uniform Statewide Recycling Criteria) throughout the document while environment laws, declared to be in force, appear to be much less defined. The existence	The proposed Order emphasizes the role of Uniform Statewide Recycling Criteria because recycled water must be used in a manner that is protective of public health. The roles of environmental laws in the proposed Order are present throughout the Findings. The order itself is an implementation vehicle of the Porter Cologne Water Quality Control

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	Committee			of other powers, meant to protect wildlife, such as Water Code Section 13050, that states, "The use of recycled water shall not cause pollution or nuisance", are more casually mentioned, and much less specific, absent detailed specifications similar to Title 22. While Regional Boards have the power to set further standards, specificity as to what those standards should consist of is not revealed here, especially if they appear to block facilitation of reuse. In the meantime, our Regional Board has little staff time to do much of anything regarding implementation. Right now there is one staff person to do all or most of the NPDES permits in Sonoma County, and perhaps other counties as well. In fact, most of the record keeping and over sight will be by these new authorities being set up and we are unclear as to the precise role of the Regional Boards. While there may be adequate regulatory power available, the ability to enforce seems very limited.	Act and references to the statute are present throughout. The Order requires each recycled water program to clearly define how rules and regulations for recycled water uses are established and enforces. These programs will be submitted as a part of Notice of Intent package and will be reviewed by both Regional Water Board and State Water Board (Division of Drinking Water) staff. Staff acknowledges RRWPC's concern regarding limited staff resource at the Regional Water Boards to enforce. State Water Board appreciates the role of environmental stewards, such as RRRWPC, for paying close attention to permit violations that would otherwise be undetected. Reported violations by members of the public greatly assist Regional Water Board staff in implementing enforcement actions.
72	Russian River Watershed Protection Committee	General Comment	N/A	While all of the circumstances above were probably not caused by endocrine disrupting chemicals in wastewater irrigation runoff, they are indicators of unacknowledged problems that are most likely affected by the many toxins in our environment that are ignored by this Order (and by Scientific Panel). These toxins are everywhere, and most certainly in wastewater, which accumulates the raw waste from a multitude of sources and then contends that they disappear during waste treatment processes. Furthermore, it has been determined that in some cases toxins affect the immune system which then causes tendency to having greater susceptibility to other disease causing organisms and/or toxins. To determine, as the Scientific Panel did, that no monitoring for Contaminants of Emerging Concern (CEC's) is necessary for urban landscape applications of tertiary wastewater, is to totally ignore most of the biological peer reviewed studies.	The Science Advisory Panel included a human health toxicologist and an environmental toxicologist, both with expertise in endocrine disrupting chemicals. The Science Advisory Panel selected conservative benchmarks from available literature to establish its monitoring trigger levels. The Science Advisory Panel acknowledged that the science regarding endocrine disrupting chemicals is incomplete, especially regarding mixtures of CECs. For landscape irrigation, the Science Advisory Panel concluded that monitoring of CECs was not warranted, primarily because exposure is low due to the fact that the recycled water is not being used for drinking. Staff relies on this recommendation as adopted in the Recycled Water Policy. As more science is conducted, the benchmarks upon which the monitoring trigger levels were set may change. If so, this would be considered during the next update to the Recycled Water Policy and future amendments to this Order. The State Water Board continues to recognize that consideration of CEC effects on human health and aquatic life is a rapidly evolving field, and that regulatory requirements need to be based on best available science. The 2013 amendment of Recycled Water Policy incorporated the Science Advisory Panel (CEC Panel) recommendations on a short list of monitoring parameters, including health-based indicators and performance-based indicators. The list also incorporates CEC from multiple source classes (pharmaceuticals, personal care products, food additives, and hormones). The panel additionally developed guidance for interpreting and responding to monitoring results. The CEC Panel report was finalized in June 2010 and is available on this link: <http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/docs/cec_monitoring_rpt.pdf> The CEC Panel's effort was limited in context and scope to the State's Recycled Water Policy. To address additional questions relevant to ambient aquatic environments, the State Water Board in conjunction with the David and Lucile Packard Foundation partnered with SCCWRP to support a second Science Advisory Panel (CEC Ecosystems Panel) that provided the State with recommendations on how to best limit the impact of CECs on oceans, estuaries, and coastal wetlands. The State Water Board also expanded the panel's charge to also provide guidance on appropriate monitoring and management strategies for CECs in California's freshwater ecosystems. The CEC Ecosystems Panel report was finalized in April 2012 and is available on this link: <http://www.sccwrp.org/ResearchAreas/Contaminants/EcosystemsAdvisoryPanel.aspx> Both CEC Panel and CEC Ecosystems Panel recommend that the State continue to promote and support research initiatives to continue to fill the data gaps and improvements in monitoring and interpretation of CEC data for waters receiving WWTP

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					effluent and stormwater discharge. In line with these recommendations, the State Water Board continues to working with members of the recycled water community to identify knowledge gaps regarding specific topics in recycled water research, including potable and non-potable applications, to better understand recycled water research funding priorities. The State Water Board hosted Recycled Water Research Workshops in 2014 and 2015 to identify and prioritize recycled water research projects. Through funds made available by the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (2014 Bond Law, Proposition 1), the State Water Board will advance recycled water research to support and inform regulatory processes, such as the consideration of this Order or future updates to Recycled Water Policy, to ensure that recycled water is protective of the environment and human health. To carry out the CEC Ecosystems Panel recommendation for the monitoring of CECs in aquatic ecosystems, the State Water Board contracted with SCCWRP to develop recommendations for a statewide monitoring pilot study for CECs. The State Water Board has taken those recommendations drafted a pilot study intended to not only provide baseline information for Water Board programs and the public but to begin to answer questions regarding presence and detection of initial target CECs in different waterbody types across the state. Included in this pilot is a category of innovative and emerging "bioanalytical" monitoring methods aimed at assessing whether CECs adversely affect the biological processes and therefore overall health of aquatic organisms. The draft pilot study includes a list of initial target CECs for the pilot study was developed using a chemical-specific risk-based assessment framework. This pilot effort will also explore some of the contemporary approaches to non-targeted CEC (chemical) analysis. State and Regional Water Board staff will continue to work with its stakeholders to refine and implement this pilot study over the next several years. In the meantime the State Water Board will compile as much of the existing data on CECs in the ambient waters as possible on an open data platform to help inform and direct future ambient monitoring efforts. More information on the CEC pilot study, datasets available and guidance documents are available on this link: <http://www.waterboards.ca.gov/water_issues/programs/swamp/cec_aquatic/>
73	Russian River Watershed Protection Committee	Finding 31	11	The Order makes the statement, (page 13 #e) "Monitoring of health-based CECs or performance indicator CECs is not required for recycled water used for landscape irrigation due to the low risk of ingestion of the water." We question that conclusion since so much of the irrigating is done in schools, parks, and fields where children, who are most vulnerable to these chemicals, play. Furthermore, they place their bare hands on the ground, on features in the park, etc. and then often put their hands to their mouth without thought. We all know this happens, so the statement is patently untrue.Then on the same page in #f, it states that: "Perchlorate is an endocrine disrupting chemical that may be present in hypochlorite solutions, which is a type of disinfectant used for wastewater…The blending of sources of irrigation water will further reduce any concentration of perchlorate present in recycled water and will unlikely to affect beneficial uses or degrade groundwater quality." (exact quote)This quotation assumes that perchlorate remains intact in entire process, but is only diminished by an increase of volume of water and other substances when discharged. This ignores well accepted theory that many chemicals are altered by the ones they come in contact with and wastewater is a blend of many different substances that have unknown capability of merging to produce more toxic substances. This has not been considered in this document at all.	This Finding relies on the recommendations prepared by the scientific advisory panel made in consideration of the amendment of Recycled Water Policy. Title 22 engineering reports require project proponents to provide information regarding method of irrigation, measures to be taken to minimize ponding, irrigation schedule (typically done at night) to evaluate how the project proponent plan to minimize contact with the public.

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74	Russian River Watershed Protection Committee	Attachment D, Incidental Runoff	D-3	There is a general acknowledgement in the Order that wastewater discharge requirements should apply, with the possible exception of incidental runoff that is defined as, "…unintended small amounts of runoff from recycled water use areas where agronomic rates and appropriate best management practices are being implemented. Examples of incidental runoff include unintended, minimal over-spray from sprinklers that escapes the recycled water use area is not considered incidental if it is due to negligent maintenance or poor design of the facility infrastructure, if it is due to excessive application, if it is due to intentional overflow or application or if it is due to negligence. Incidental runoff events are typically infrequent, low volume, accidental, not due to a pattern of neglect, or lack of oversight, and are promptly addressed." In contrast, the definition of 'incidental runoff' in the Order states (page D-3) "Unintended small amounts (volume) of runoff from recycled water use areas, such as unintended, minimal over-spray from sprinklers that escapes the recycled water use area." Does the Order actually change the extent of the definition by not including a substantial portion of the original?	Discharges from use areas are prohibited (Prohibition A.1, A.3, A.4, A.5). The Order requires compliance with the Recycled Water Policy (Specifications B.1.i) and can be enforced by the Regional Water Boards. It is the intent of the definition to extend to the additional description that is provided within the Recycled Water Policy. Examples of incidental runoff include unintended, minimal over-spray from sprinklers that escapes the recycled water use area is not considered incidental if it is due to negligent maintenance or poor design of the facility infrastructure, if it is due to excessive application, if it is due to intentional overflow or application or if it is due to negligence. Incidental runoff events are typically infrequent, low volume, accidental, not due to a pattern of neglect, or lack of oversight, and are promptly addressed.
75	Russian River Watershed Protection Committee	General Comment	N/A	Anyone can be an Administrator or user in charge of wastewater applications…. Anyone can fill out a form saying they will comply with irrigation rules, pay a fee, and Voila! They are an administrator. Although they pledge to adhere to the Basin Plan, probably no one will ever know how the irrigator actually uses the wastewater, just so they say the right things on the form, such as compliance with Title 22 and Basin Plan. There will probably be little or no enforcement because of inadequate funding, and we may ultimately have to say good-by to recreation and fish and wildlife and the lower river economy. Without adequate staff funding, we don't see how Regional Board will enforce what has been turned into more indirect discharges. (Only very large spills of about 100,000 gallons or more get enforced now.)	Administrators enrolled under the Order are legally bound to meet the requirements of the Order. In addition to paying fees associated with enrollment, this includes requirements to (1) prepare a water recycling technical program, including facility/waste treatment information, recycled water application, description of water recycling program, additional site specific condition, and water recycling program administration, which includes operation, oversight, and means of enforcement for implementation of the water recycling program; (2) comply with monitoring and reporting program; and (3) meet all other requirements specified in the Order, such as preparation of a title 22 engineering report and obtaining approval of petition of wastewater change if the proposed program will be reducing the amount of in stream flow.
76	Russian River Watershed Protection Committee	Prohibition A.8	18	The Prohibitions on page 18 would be meaningless without enforcement. In any case, this Order waters down requirements such that there's not much to enforce anyway. #5 states that, "…..incidental runoff of recycled water shall not result in water quality less than that prescribed in water quality control plans or policies unless authorized…." And #8 states, "The use of recycled water in violation of the applicable Regional Water Board's Basin Plan is prohibited." It would have to be a pretty gross violation for anyone to notice. It appears that 'incidental runoff' has come to mean anything less than a major spill that is visible to the general public.	Incidental runoff definition in the Order follows the definition in the State Water Board Recycled Water Policy. The Administrator's Recycled Water Program is required to describe program implementation, this includes any site supervisor trainings, inspections of use sites, and enforcement of Recycled Water Program violations. The members of the public are encouraged to report such violations to the Administrator and/or the Regional Water Board, to make sure that violations are enforced.
77	Russian River Watershed Protection Committee	Specifications B.1	19-20	After focusing mostly on specifics of meeting Title 22 water regulations, on pages 19-20 there are a list of specifications which lists just about all the water law in the codes. One lawyer who has expertise on water law, said he didn't know all of the laws mentioned. To us it seemed totally un-thought out and disorganized. A double message comes through this Order to on the one hand to make compliance easier, and the very weak Title 22 is used to justify doing that, but then this half a page of specifications brings in all kinds of other regulations whose role is not fully explained. This includes (#g-page 20) which states, "Any applicable water quality related CEQA mitigation measure." How can this be possible if they have thrown out CEQA from this process?	This Order is intended to be applicable statewide. Unlike individual orders, where specific regulation or statute requirements can be spelled out, the general order provide the scope of regulatory documents that serve two purposes: (1) for consideration by Regional Water Board or State Water Board staff to determine whether the submitted Notice of Intent sufficiently exhibit compliance; (2) for consideration by prospective enrollees to understand what regulatory documents the program will be required to comply with. Not all of the documents may be applicable. For example, a facility that has been discharging to land and decides to further treat its effluent for recycled water use is not subject to compliance with Water Code section 1211, which is specific to facilities that discharge to surface water. For the above example, if the treatment facility is expanded (to include additional treatment trains, increasing capacity, building pipelines), the project proponent is subject to compliance with CEQA. Any identified CEQA mitigation measure related to water quality, appropriate with the operation of the facility as it pertains to implementation of the order (for example: if CEQA document requires a nutrient study before irrigation with

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					recycled water can take place), will be incorporated into the enrollee's Notice of Applicability as a requirement.
78	Wishtoyo Foundation	General Comment	N/A	The General Order for Recycled Water Use Must Adhere to Article X Section 2 of the California Constitution, Water Code Sections 100 and 275, and the California Public Trust Doctrine As provided above, all water, including new and recycled water, must be used reasonably and not wastefully, and when feasible, must be managed and or used to protect the state's in-stream flow dependent public trust resources and groundwater supplies. The Draft General Order for Recycled Water Use fails to require and ensure the reasonable use of recycled water and management and or use of recycled water to protect in-stream flow dependent public trust resources when feasible. Instead, the General Order allows the perpetuation and continuation of decades of unsustainable and non-integrated water management, and unreasonable and wasteful use of water, that threatens current and future water supplies, in-stream flow dependent public trust resources, and groundwater basins throughout the state. The Draft General Order for Recycled Water Use thus runs contrary to legislative mandates and California law. Specifically, the General Order fails to adhere to Article X Section 2 of the California Constitution, Sections 100 and 275 of the Water Code, and the California Public Trust Doctrine because it fails to require and ensure reasonable use of recycled water, or, if feasible, the use or management of recycled water in a manner that protects in-stream flow dependent public trust resources. In addition, it runs afoul of Article X Section 2 of the California Constitution, Sections 100 and 275 of the Water Code, and the California Public Trust Doctrine because it fails to provide a mechanism for the State Board to analyze or determine whether the recycled water will be used reasonably, and whether it is feasible to use or manage the recycled water in a manner that protects in-stream flow dependent public trust resources.	In California Water Code section 13550, the state legislature finds and declares that "the use of potable domestic water for non-potable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available..." The Water Code section 13550 further specifies that the use of recycled water is not considered a waste or unreasonable use if "these uses will not adversely affect downstream water rights, will not degrade water quality, and is determined not to be injurious to plant life, fish, and wildlife. The proposed Order includes a Finding 32 to protect in stream beneficial uses by addressing the requirements of Water Code section 1211, which requires the owner of any wastewater treatment plant to obtain the approval of the State Water Board before making any change in the point of discharge, place of use, or purpose of use of treated wastewater.
79	Wishtoyo Foundation	General Comment	N/A	The reasonable water use provisions and waste prohibitions of Article X, §2 of the California Constitution and the Water Code require that the General Order contain provisions that ensure that recycled water delivered to end users is used reasonably and not wastefully. However, in violation of Article X Section 2 of the California Constitution, Water Code Section 100 and Water Code Section 275, the State Board fails to ensure that the General Order mandate that recycled water be used reasonably for uses that are sustainable for the regions in which the recycled water is generated and by users that implement best available municipal and agricultural efficiency and conservation practices. For example, the General Order allows end users to grow water intensive crops that may not be sustainable for the region in which they are grown, and allows use by municipal and agricultural end users that have not implemented best available water efficiency and conservation practices. In the case where enrollment in the General Order would authorize recycled water to be delivered to municipal and agricultural end users that have not implemented best available water efficiency and conservation practices, the allowance of recycled water use in this manner would be unreasonable and thus should not be authorized by the General Order if agricultural or municipal end users adoption of best available water efficiency and conservation practices would result in more or enough recycled or total regional water being available for growing crops that are sustainable for a region's limited water resources, for domestic and municipal water supply, to leave water in streams sufficient to support in-stream flow dependent public trust resources, or to leave water in or recharge over-drafted groundwater basins.	In California Water Code section 13550, the state legislature finds and declares that "the use of potable domestic water for non-potable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available..." The Water Code section 13550 further specifies that the use of recycled water is not considered a waste or unreasonable use if "these uses will not adversely affect downstream water rights, will not degrade water quality, and is determined not to be injurious to plant life, fish, and wildlife. The proposed Order includes a Finding 32 to protect in stream beneficial uses by addressing the requirements of Water Code section 1211, which requires the owner of any wastewater treatment plant to obtain the approval of the State Water Board before making any change in the point of discharge, place of use, or purpose of use of treated wastewater.

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				Likewise, and as another example as to why the General Order violates Article X Section 2 of the Constitution, and Sections 100 and 275 of the California Water Code for authorizing unreasonable use of the state's scare water resources, in the case where enrollment in the General Order would authorize recycled water to be delivered to golf courses that have not implemented best available water efficiency and conservation practices, the allowance of recycled water use in this manner would be unreasonable and thus should not be authorized by the General Order if golf course adoption of best available water efficiency and conservation practices would result in more or enough recycled or total regional water being available for other golf courses implementing best available water efficiency or conservation measures, for growing crops that are sustainable for a region's limited water resources and that make use of best available water efficiency and conservation measures, for domestic and municipal water supply, to leave water in streams sufficient to support in-stream flow dependent public trust resources, or to leave water in or recharge over-drafted groundwater basins.	
80	Wishtoyo Foundation	General Comment	N/A	To adhere to its affirmative duties under the public trust doctrine, the General Order must require that the State Board analyze and determine whether it is feasible to use or manage an enrollees' recycled water in a manner that protects flow deprived in-stream flow dependent public trust resources, and if feasible to require that the delivery and use of the enrollee' recycled water be managed in a manner that protects flow deprived in-stream flow dependent public trust resources. For instance, in a scenario where enrollment in the General Order would authorize delivery of recycled water to a.) end users (including water agencies or districts) that already receive water from streams with flow impaired public trust resources or to b.) end users (including water agencies or districts) that already extract groundwater that impacts flow impaired public trust resources, for the State Board to adhere to the public trust doctrine, the General Order must:1.) Require an analysis as to whether it is feasible for the delivery of recycled water to such end users for reasonable water use could offset the need for such end users to receive/divert water from flow deprived streams or to extract groundwater from basins where extractions impact in-stream flow dependent public trust resources;2.) Require that such end users of recycled water reduce the amount of water received from over extracted groundwater basins and flow deprived streams by the amount of recycled water received if it is feasible for the delivery of recycled water to such end users for reasonable water use could offset the need for such end users to receive/ divert water from flow deprived streams or to extract groundwater from basins where extractions impact in-stream flow dependent public trust resources.	The scope of analysis as proposed by the commenter is beyond the Order scope. The proposed general order addresses protection of water quality and not allocation of water resources. To address possible impact to stream flows from uses of recycled water, the proposed Order includes a Finding 32 to protect in stream beneficial uses by addressing the requirements of Water Code section 1211, which requires the owner of any wastewater treatment plant to obtain the approval of the State Water Board before making any change in the point of discharge, place of use, or purpose of use of treated wastewater. In most areas of California, overlying land owners may extract percolating ground water and put it to beneficial use without approval from the State Board or a court. California does not have a permit process for regulation of ground water use and is not subject to authority of State Water Board. In several basins, however, groundwater use is subject to regulation in accordance with court decrees adjudicating the ground water rights within the basins. These matters may be considered locally by the appropriate watermasters.
81	Los Angeles Department of Water and Power	Finding 34	15	The proposed General Order indicates that discharges covered under other existing orders may continue to operate under that authority until requested by the Regional Water Board to either: (i) continue to expand coverage under existing orders; or (ii) apply for coverage under this General Order. LADWP requests that the language be changed so that existing coverage may be maintained by Dischargers and coverage under this new order would only be necessary if recycled water operations are changed significantly from existing operations or the Discharger decides to seek coverage under this new General Order. Dischargers permitted under existing individual permits should have the option of keeping those existing permits.	This Finding has been substantially revised. A 21-day additional public comment period was provided to allow additional comments. Please see Responses to Additional Public Comments. Water Code section 13263 (e) states "All requirements shall be reviewed periodically." Updates keep the WDRs up to date with policies of the State. Furthermore, use of a general order will streamline the backlog of orders that are overdue for an update. While land discharge WDRs do not expire, the State Water Board's Administrative Procedures Manual establishes an update schedule for WDRs.
82	Los Angeles Department of Water and Power	General Provision D.8	24	Item 8 of the General Provision section appears to allow the Regional Water board or State Water Board to modify the Monitoring and Reporting Program (MRP) as necessary. These changes to permittees would create a situation where the "general" aspect of the order would no longer hold true with different MRPs in effect throughout the state for permittees. By allowing such changes to occur on the local level, permittees will be subjected to differing requirements. A statewide permit should allow for consistency of regulation.	The Regional Board Executive Officers have the discretion to modify the Monitoring and Reporting Program for this General Order or issue a separate monitoring order under California Water Code section 13267. State Water Board staff acknowledge the need to facilitate consistency and provide some level of certainty regarding their anticipated monitoring obligations by preparing a model Monitoring and Reporting Program as an

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				LADWP requests that the modification of the MRP be limited to the State Water board reopening the permit for cause in order to revise MRP requirements. We request the Item 8 be revised as follows: 8. The Administrations shall comply with the MRP issued with the NOA, and any future revisions, as specified by the ~~Regional Water Board's Executive Officer~~ or State Water Board's Executive Director (or designee). A model MRP is provided as Attachment C. ~~However, the Regional Water Board's Executive Officer or State Water Board's Executive Director (or designee) may modify or replace the MRP when deemed necessary.~~	attachment to the Order (Attachment B).
83	Los Angeles Department of Water and Power	Finding 35	15	The opportunity of recycled water users to further distribute and administer programs should be constrained so that recycled water use does not conflict with local programs, jurisdictions, or city charters. LADWP requests that item 35c be modified to read as follows: c. Users of recycled water: Users take physical possession of the recycled water from Producers and/or Distributors for an approved beneficial recycled water use consistent with Uniform Statewide Recycling Criteria. A User that takes physical possession of recycled water may act as an Administrator and distribute to other Users so long as this additional distribution is not in conflict with any local City Charter directing recycled water use and oversight. Users of recycled water may also use the recycled water under a Water Recycling Use Permit from another Administrator.	The Administrator is responsible to make sure that the proposed program is not in conflict with any local City Charter directing recycled water use and oversight. A description of the Administrator's authority must be included in the NOI package. In addition, the Administrator's Title 22 Engineering Report must provide any references to any ordinances, rules of service, or contractual arrangements.
84	Los Angeles Department of Water and Power	Attachment D, Recycled Water	D-4	The definition of recycled water should not be constrained to only direct beneficial uses as indicated in the definition. LADWP requests that the definition of recycled water be revised as follows: Recycled Water: means water which, as a result of treatment of wastewater is suitable for a ~~direct~~ beneficial use or a controlled use that would not otherwise occur therefore considered a valuable resource. (Wat. Code §13050(n).) Coverage under these Water Reclamation Requirements for Recycled Water Use (General Order) is limited to treated municipal wastewater for non-potable uses.	"Recycled Water" has a formal regulatory definition as provided in the California Water Code section 13050(n). Modifying this regulatory definition is outside the scope of this Order.
85	Los Angeles Department of Water and Power	General Comment	N/A	Consistent Use of Terms. The General Order identifies both California Department of Public Health (CDPH) and Division of Drinking Water (DDW). These terms should be combined and used consistently throughout the document as DDW.	References to CDPH are contained within the Findings are kept to reference the time before the Division of Drinking Water and Environmental Management of CDPH transferred to the State Water Board. For example, the Uniform Recycling Criteria referenced as a requirement for non-potable uses of recycled water was set by CDPH, not State Water Board (Division of Drinking Water).
86	City of San Diego	General Comment	N/A	Throughout the Order there are instances in which functions previously allocated to Regional Water Quality Control Boards may now also be performed by the State Board. The City of San Diego enjoys a very positive and effective working relationship with the San Diego Regional Water Quality Control Board (Regional Board), and looks forward to continuing that relationship going forward. The City requests clarification as to why the State Board is increasing involvement with processes that are currently addressed expeditiously at the local level.	The relationship between a Regional Water Board and its current enrollees should not be impacted. State Water Board appears to be increasing its involvement (consultation, review, approval of title 22 engineering report) because California Department of Public Health Drinking Water Program for recycled water is now the State Water Board Division of Drinking Water. State Water Board's additional involvement of issuing Notice of Applicability for project crossing multiple Regional Water Boards is to perform administrative function of coordinating review and approval at the relevant multiple Regional Water Boards; otherwise, this additional coordination workload would fall to Regional Water Boards staff. For the projects that cross Regional Water Board boundaries, inspections and compliance issues will be implemented/enforced by Regional Water Boards.
87	City of San	Finding 31	13	This finding addresses "[c]onstituents associated with recycled water that have the potential to degrade groundwater", and new language adds a section (f) detailing endocrine-disrupting	The purpose of this Finding is to acknowledge that perchlorate may be present in recycled water, and general irrigation make up water does not entirely consist of recycled water

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	Diego			chemicals (EDCs). The final sentence of the paragraph states that blending irrigation water with recycled water will reduce perchlorate concentrations in the recycled water and will be "unlikely to affect beneficial uses or degrade groundwater quality". There is concern as to whether this statement is accurate, and is possibly even misleading. Oftentimes irrigation water contains more contaminants than recycled water, and so itself would benefit from the dilution provided by adding recycled water (the opposite of the situation outlined in the finding). The sentence should be redrafted to clarify that the irrigation water is assumed to have a low threat of impacting water quality or containing a significant pollutant load.	only. While the comment provided is well taken, the Order is written for a statewide implementation. It is difficult to make a definitive statement of the quality of irrigation water for each site statewide, regardless of whether recycled water is used as a source. The purpose of the Order is to address use of recycled water; therefore, the Finding is written to address contaminants that may be present in recycled water. Levels of perchlorate in sources of irrigation water vary, depending on where the source originates and anthropogenic activities taking place near the source. For example, perchlorate levels in recycled water from a domestic wastewater source that has been treated using ultraviolet technology will very likely to have less perchlorate concentration compared to irrigation well located at a known rocket fuel cleanup site.
88	City of San Diego	Finding 34	15	The prior version of the order allowed a discharger to make an election regarding their permit coverage, whereas the proposed Order instead allows the Regional Board to make this decision. This is problematic as it allows the State or Regional Board to request changes in a permittee's program with no triggering event. Instead, the City proposes that the language be revised to state that coverage under an existing order can be maintained until such time as the discharger seeks to make a substantive change in its coverage, at which time the Regional Board could make a determination as to whether coverage could continue under the existing order.	This Finding has been substantially revised. A 21-day additional public comment period was provided to allow additional comments. Please see Responses to Additional Public Comments. Water Code section 13263 (e) states “All requirements shall be reviewed periodically.” Updates keep the WDRs up to date with policies of the State. Furthermore, use of a general order will streamline the backlog of orders that are overdue for an update. While land discharge WDRs do not expire, the State Water Board’s Administrative Procedures Manual establishes an update schedule for WDRs.
89	City of San Diego	Finding 35	15	This item establishes 'Users' as a new category of eligible entities (in addition to Producers and Distributors) that may apply for a recycled water use permit under this General Order. It is unclear who might be covered under this new category. The City is supportive of requiring individual users to gain coverage for recycled water discharges under this Order. However, the City requests that additional detail be included explaining potential implementation of user permits with multiple examples and hypothetical case studies.	User category is added for any public or private entity that are (typically) large recycled water user that are willing to take on the role as an Administrator of a recycled water program. Two examples for the user scenario: 1) Sempra Utilities (Southern California Gas Companies) that proposed to administer a recycled water program to use recycled water for hydrostatic testing of their utility pipelines; 2) Caltrans can propose to administer a recycled water program for using recycled water to irrigate landscaping at its facilities.
90	City of San Diego	Finding 41	17	The City is concerned that the statement in the second-to-last sentence contains a policy statement that on its own is overbroad. It appears that it is meant to be read in conjunction with the last sentence in the paragraph, and the City requests combining the two in order to refine the meaning of the first through the details contained in the second, as follows: In order to simplify regulation of recycled water use on agricultural lands and pursuant to Water Code § 13267 Regional Water Boards' Executive Officers may modify the MRP to prevent duplication of monitoring and reporting activities that satisfy the requirements of both orders.	As the commenter correctly identifies, the second to last sentence is meant to be read in conjunction with the first sentence. It is unclear what overbroad policy statement that can be interpreted from these two sentences.
91	City of San Diego	Specifications B.3	20	This section provides both the State and Regional Boards with the discretion to require the Administrator (permittee) to submit an 'Implementation or Operations and Management Plan (O&M Plan). The plan's requirements are extensive and onerous, and it should not be mandated for all permittees. The City asks that the requirement to submit an O&M Plan only apply if there is a demonstrated need for it, such as evidence of a water quality issue that may be impacted by recycled water discharges authorized under this Order.	The Regional Boards have the discretion to not require the Operations and Management Plan. The preparation of this Plan relies on a demonstrated need determined by the Regional Water Board's review of proposed recycled water program.
92	City of San Diego	Water Recycling Administration Requirements C.3.	21	It seems unnecessary to require written approvals from the State or Regional Boards for any and all changes made to the Administrator's approved program. In order to limit the number of written approvals required, the City requests the addition of the term 'material' to this provision, as follows: "The Administrator shall obtain written approvals for any *material* changes to the Administrator's approved program," (emphasis added)	An example of type of change that warrants the written approval is provided. In this Finding, "a new recycled water use types or distribution methods not already described in the Administrator's approved program" is a change that warrant the written approval.

RESPONSES TO PUBLIC COMMENTS
DRAFT WATER RECYCLING REQUIREMENTS FOR RECYCLED WATER USE
COMMENT PERIOD CLOSED 22 FEBRUARY 2016

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93	City of San Diego	General Provision D.8	24	The City of San Diego appreciates the State Board's Monitoring and Reporting Program guidance with inclusion of a model monitoring program in Attachment B, particularly for entities that do not already have robust monitoring and reporting programs. However, the current language, authorizing modification of current monitoring and reporting programs by the Executive Officer or Director "as necessary", should be revised or clarified. As written, the statement sets an arbitrary standard that does not take into account already-existing robust monitoring and reporting programs, the cost and effort associated with changes to programs, or the jurisdiction-specific and site-specific knowledge that individual agencies have. Ultimately, this may lead to expensive monitoring and reporting program requirements that produce data of limited value. Burdensome monitoring requirements completely outside the control of the permittee will act as a disincentive for recycled water use which may result in limited or discontinued use of recycled water, thereby increasing potable water use. This will reduce both an entity's ability to conserve water as well as the state's ability to reach its water conservation goals. Language should be revised to reflect that the Executive Officer or Director will work with the entity to modify or replace the MRP if the proposed MRP submitted with the Notice of Intent is determined insufficient to appropriately represent and characterize the discharge.In addition, the City suggests that the reference in the first sentence to the "MRP in Attachment C" be edited to read "Attachment B".	The Executive Officer's authority to modify a Monitoring and Reporting Program is per Water Code section 13267. The Water Code section 13267 also requires a justification for requiring or modifying reporting: "The burden, including cost, of these reports, shall bear a reasonable relationship to the need for the report and the benefits to be obtained for the report." Burdensome monitoring requirements that are arbitrary, produce data of limited value, and is not justified (where no evidence that supports the requirement identified in a written explanation with regard to the need for the report) do not meet the expressed intent of the Water Code. Revision to the Order changing reference to "Attachment B" has been made.
94	City of San Diego	Attachment A, What to File, section II	A-3	Reporting of the amount of Nitrogen in fertilizer added to each irrigation site is a burdensome requirement with no justification provided for its inclusion and will likely deter recycled water use. The City currently has limited mechanisms in place to collect accurate data or enforce overuse of fertilizer on lands outside the City's jurisdiction or those covered by the Tentative General Agricultural Order.	The Recycled Water Policy's criteria for streamlined permitting specifies that recycled water producers shall monitor and communicate to users the nutrient levels in the recycled water delivered and does not require any monitoring or reporting of the amount of nutrient (nitrogen) added to the delivered recycled water. The Order allows for aggregation of small use sites for ease of use area reporting (Attachment B Use Area Monitoring, Attachment A Section II.b)
95	City of San Diego	Attachment B, Recycled Water Monitoring	B-2	For clarification of constituents required to be monitored, the City requests that the Clean Water Act reference for priority pollutants (40 CFR Part 423, Appendix A) be added to this section.	References to 40 CFR Part 423 is provided in Finding 19 to point the readers to the list of priority pollutants.
96	City of San Diego	Attachment D	D-3	Different permits interpret ((monitoring year" in multiple ways (e.g. calendar, fiscal, beginning of the wet season, etc. ...). The City assumes the intent of this Order is to follow the calendar year as the monitoring year, based on reporting deadlines included in the Order. However, the City requests that a definition be added for monitoring year as a clarification.	The intent of this Order is to follow the calendar year as monitoring year.