



PROPOSED AMENDMENTS TO THE POLICY FOR WATER QUALITY CONTROL FOR RECYCLED WATER

Issue Paper Prepared for January 2018 Public Stakeholder Outreach Workshops

Thursday, January 4, 2018

9:00 a.m. – 12:00 p.m.

CalEPA Headquarters Building

Byron Sher Auditorium

1001 "I" Street, Second Floor

Sacramento, CA 95814

Thursday, January 11, 2018

09:00 a.m. – 12:00 p.m.

Orange County Water District

18700 Ward Street

Fountain Valley, California 92708

Overview of the Policy and Proposed Amendments

The State Water Resources Control Board (State Water Board) has encouraged the safe use of recycled water in California to supplement surface and groundwater supplies since passage of the Porter-Cologne Act in 1969.¹ Since that time, the state has been active in developing legislation, issuing resolutions and policies, setting goals for recycled water use, and funding recycled water projects. The Policy for Water Quality Control for Recycled Water (Policy) is an important element of the overall effort to encourage the safe use of recycled water in a manner that is protective of public health and the environment.

The State Water Board is proposing to update the Policy to reflect the increased and varied use of recycled water in California and in light of regulatory changes that have taken place since amendment of the Policy in 2013.

Definition of Recycled Water and Scope of this Policy

The legislature defines recycled water as “water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.”² Many different sources of water are reused in California including:

- greywater (“untreated wastewater which has not been contaminated by any toilet discharge...”)³

¹ Section 13512 of the Porter-Cologne Act states: “It is the intention of the Legislature that the state undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state.”

² Cal. Wat. Code § 13050(n)

³ Wat. Code §14876

- oilfield produced water (treated water produced from oilfield recovery operations)
- agriculture return water
- wastewater from winery operations
- wastewater from food processors
- treated wastewater derived from municipal wastewater

The Policy addresses the use of recycled water that is sourced from treated municipal wastewater. Other types of water reuse are currently being permitted and regulated through other programs including individual and general waste discharge requirements (winery, food processing), and the California Health and Safety Code (greywater).

Recycled water use that is the subject of this Policy is regulated under the California Code of Regulations, title 22 (Title 22), which sets forth the treatment criteria and allowed uses for treated municipal wastewater.⁴ The regulations in Title 22 focus on protection of public health and include specific requirements for control of pathogens, limitations on recycled water use based on the level of treatment of the water, and monitoring and reporting requirements. The Policy supplements the requirements in Title 22 by providing guidance for use of recycled water that considers protection of surface water and groundwater.

Brief Policy History

The State Water Board adopted the Policy on February 3, 2009. The Policy includes goals for recycled water use, criteria for streamlined permitting of projects that use recycled water for landscape irrigation, criteria for permitting projects that use recycled water for groundwater recharge, requirements for monitoring recycled water for constituents of emerging concern (CECs), and a requirement to convene a Science Advisory Panel every five years to guide future actions relating to CECs.⁵ The Policy also includes guidelines and a process to encourage stakeholders to collaborate with regional water quality control board (regional water board) staff to prepare salt and nutrient management plans (SNMPs) for groundwater basins and sub-basins throughout California. Salt and nutrient management planning was incorporated into the Policy to address potential cumulative impacts to groundwater quality that may be associated with use of recycled water, considering all sources of salts and nutrients in groundwater basins throughout the state.

In accordance with the Policy, the State Water Board convened a Science Advisory Panel in 2009 to develop recommendations for CECs in recycled water. These recommendations were included in a technical report provided to the State Water Board in 2010, and the Policy was amended in 2013 to incorporate the recommendations from the Science Advisory Panel, which included monitoring requirements for CECs in recycled water used for groundwater recharge. The Policy includes a provision to reconvene a Science Advisory Panel every five years to update its recommendations to guide future actions relating to CECs in recycled water.

⁴ “Recycled water from sources that contain domestic waste, in whole or in part” (Title 22 § 60302).

⁵ Chemicals of emerging concern are chemicals that are not regulated with water quality standards that could have toxicological effects. Typical CECs include unregulated pesticides, personal care products and water treatment byproducts.

Current Effort to Update the Policy

On December 6, 2016, the State Water Board adopted Resolution 2016-0061 directing staff to amend the Recycled Water Policy in light of regulatory developments since the Policy was last amended. The following regulatory developments have taken place since the Policy was amended in 2013:

- Title 22 was amended to include regulations regarding the use of recycled water for indirect potable reuse for groundwater replenishment via surface or subsurface application in June 2014.
- The California legislature passed the Sustainable Groundwater Management Act in September 2014, which requires each groundwater basin in California to have a plan to sustainably manage groundwater supply.
- The State Water Board adopted Water Reclamation Requirements for Recycled Water Use (Order WQ 2016-0068-DDW) for all allowable non-potable uses of recycled water under Title 22 in June 2016.
- The State Water Board released draft regulations for reservoir (surface) water augmentation using recycled water in October 2016.
- In December 2016, the State Water Board released its report to the California Legislature on the feasibility of developing uniform water recycling criteria for direct potable reuse in California.
- Assembly Bill No. 574 was approved in October 2017, requiring the State Water Board to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation by 2023 unless and until an expert review panel adopts a finding that the proposed criteria would adequately protect public health.

Resolution 2016-0061 also directed staff to convene a second Science Advisory Panel on CECs in recycled water as specified in the Policy to update the 2010 report titled, "Monitoring Strategies for Chemicals of Emerging Concern in Recycled Water – Recommendations of a Science Advisory Panel" to guide future actions relating to CECs. The State Water Board convened a Science Advisory Panel in parallel with the development of the Policy amendment and the findings from the Panel will be considered in the proposed amendment to the Policy.

Summary of Topics Under Consideration for the Proposed Amendment

Staff is seeking stakeholder input on the proposed to amendments that are summarized below. For topics where staff has developed more than one amendment option, the staff recommended option is presented in bold text. Staff is also seeking input from stakeholders on any other proposed amendment topics or alternatives that are not presented in this document.

Topic 1: Update CEC Monitoring Requirements

The Policy requires a Science Advisory Panel on CECs in recycled water (Panel) to update its report to the State Water Board every five years. The first Science Advisory Panel that convened in 2009 reviewed potential human health risks associated with use of recycled water for landscape irrigation and groundwater recharge. Results of that study provided

recommendations that were used to add monitoring requirements for several CECs in recycled water used for groundwater recharge projects.

The State Water Board reconvened the Science Advisory Panel in July 2017 and charged the Panel with reviewing the conceptual framework developed in its 2010 report, evaluating relevant scientific literature, and assessing potential health risks associated with CECs for the following uses of recycled water:

- All uses of recycled water allowed under Title 22 (the previous Panel evaluated only landscape irrigation and groundwater recharge uses)
- Surface water augmentation

The State Water Board also charged the Panel to include an expert in antibiotic resistant bacteria and antibiotic resistance genes on the Panel to provide input in their evaluation of these uses of recycled water.

The Panel presented its draft findings and recommendations during a public meeting on December 15, 2017. The draft Panel report is scheduled for release in mid-January 2018 and will undergo a 30-day public comment period before being finalized.

Proposed Amendment Topic 1:

Staff will review and consider the findings of the Science Advisory Panel. Since the draft Panel report will be released after this stakeholder document has been prepared, staff cannot provide more detail on this proposed amendment topic at this time. Staff will provide additional detail after the Panel's report becomes available. There will be future opportunities for stakeholders to provide input on the Panel's recommendations and staff's recommendations for the proposed amendments related to the Panel's charge. To receive updates on these opportunities to comment, please subscribe to our email list.⁶

Topic 2: Re-evaluate Goals and Mandates

The Policy includes statewide goals for recycled water use. These goals also are referenced in Water Code section 13577.⁷ The Policy also includes recycled water use mandates that were derived by extending the goals referenced in Water Code section 13577 by 20 years. The Policy does not include guidance on a method to enforce the mandates. The Department of Water Resources established statewide water recycling targets as required by Water Code section 10608.50(b), published in the 2013 California Water Plan Action Update. These targets are based on estimates from 2010 Urban Water Management Plans and the 2009 Recycled Water Survey.

In addition, the Policy contains storm water and conservation goals, which are now addressed through the Strategy to Optimize Resource Management for Storm Water (STORMS) and the

⁶ https://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/

⁷ Water Code section 13577 states, "This chapter establishes statewide goals to recycle a total of 700,000 acre-feet of recycled water per year by 2000 and 1,000,000 acre-feet of recycled water per year by the year 2010."

implementation of Senate Bill X7-7 and Executive Order B-37-16 Making Water Conservation a California Way of Life.

Proposed Amendment Topic 2:

Stormwater Goals

Staff is proposing to remove the storm water goals from the Policy, as storm water goals are more appropriately addressed by the STORMS program.

Conservation Goals

Staff is proposing to remove conservation goals from the Policy, as those are addressed more appropriately in Senate Bill X7-7 and in the Department of Water Resources California Water Action Plan (“Make Conservation a California Way of Life” is one of ten principals that define the California Water Action Plan).

Options for Recycled Water Mandates

- a. **Remove the recycled water mandates as they are not enforceable and the goals can serve a similar purpose as aspirational numbers to strive for.**
- b. Keep the mandates and develop tools for the regional water boards to make the mandates enforceable.

Options for Recycled Water Goals

- a. **Maintain the current recycled water goals for this Policy amendment. Continue to engage members of the recycled water community to track and analyze recycled water use data (see Topic 3 below regarding improving recycled water tracking). Conduct an analysis of the volume of wastewater available for reuse and use these data to update the goals in a future Policy amendment.**
- b. Replace the current goals with recycled water targets established by the Department of Water Resources. The Department of Water Resources uses information based on Urban Water Management Plans to update estimates for recycled water use.
- c. **In addition to (a) or (b), include a narrative goal of decreasing wastewater discharges to the ocean.**
- d. Replace the existing goals with numeric goals for reducing a percentage of treated wastewater discharged to the ocean/salt sink.
- e. Remove all numeric goals and replace with narrative goals.

Topic 3: Establish a System of Tracking and Reporting Recycled Water

Currently, the State Water Board does not have an efficient, streamlined statewide reporting system to track the production, use, and potential of recycled water. Historically, the State Water Board has collaborated with the Department of Water Resources to conduct surveys to track recycled water. However, the surveys are infrequent, labor intensive, and challenging for dischargers and staff.

Permittees report recycled water production and use to the water boards through compliance with National Pollutant Discharge Elimination System, Waste Discharge Requirements, Master

Reclamation, and Water Reclamation Requirement permits. Due to the varied nature of these permits and reporting requirements in these permits, these recycled water production and use data are not readily available for compilation and analysis.

Proposed Amendment Topic 3:

Staff is proposing to include language in the Policy to require annual reporting to assist the State Water Board in tracking recycled water production, use, and potential on a regular basis. This reporting would be included as an additional permit requirement. Staff is seeking feedback on how agencies currently track recycled water and what they suggest to include in the reporting requirements in order to avoid a significant workload and duplicate reporting of recycled water. Also, staff is seeking input on who to approach for these data (producers, users, or both).

Staff is considering the level of detail of recycled production and use to capture. Staff recognizes that, while collecting detailed information regarding production and use of recycled water can be beneficial, that benefit must be weighed against the additional resources required and potential increase for reporting errors when collecting that data. Recycled water use data that staff is considering to require to be reported include (in order of detail):

- total volume of recycled water produced and level of treatment,
- volume of recycled water beneficially re-used that would have otherwise been discharged to a salt sink, and
- volume of recycled water used for various use categories (e.g., landscape irrigation, agricultural irrigation, industry, groundwater recharge, surface water augmentation, habitat/restoration, in-stream flow).

Topic 4: SNMPs, Permitting Guidance, and Antidegradation Policy

SNMPs are included in the Policy to help address the potential for recycled water use to impact groundwater quality and to promote basin-wide management of salts and nutrients in groundwater. The following five topics are related to proposed amendments to the Policy related to SNMPs. A brief discussion of antidegradation analysis and the concept of assimilative capacity is provided prior to discussion of individual topics being considered for the Policy amendment.

Assimilative Capacity and Antidegradation Policy

Use of recycled water has the potential to increase the concentration of nutrients and salts in groundwater. Permits for recycled water projects include a requirement that the project applicant conduct an analysis to demonstrate compliance with State Water Board Resolution No. 68-16 (the Antidegradation Policy). The Antidegradation Policy includes the requirement that any potential change to water quality associated with a recycled water project: "...will not unreasonably affect present and anticipated beneficial use of the water, and will not result in water quality less than that prescribed in the policies."⁸ The Policy states that SNMPs shall

⁸ In Resolution 68-16, "policies" refers to "water quality control policies"

include an antidegradation analysis demonstrating that the recycled water projects in the SNMP will collectively satisfy the requirements of the Antidegradation Policy.

A key parameter to consider in evaluating whether a project may result in water quality less than water quality objectives included in regional water board basin plans is assimilative capacity, which can be defined as “the ability of a water body to receive a water quality constituent without exceeding the applicable water quality objective for that constituent.” Thus, when a receiving water (in this case groundwater) is able to absorb a pollutant load without exceeding the water quality objective, then assimilative capacity is said to exist. Regional water boards responsible for permitting recycled water projects must evaluate whether or not there is sufficient assimilative capacity in the underlying groundwater such that the project would not result in the underlying groundwater exceeding water quality objectives.

One of the goals of preparing an SNMP is to compare the total assimilative capacity for a groundwater basin with an estimate of the total of all loads of salts and nutrients into the basin. This comparison is then used to assess whether the available assimilative capacity is sufficient to absorb the existing loads of salts and nutrients in the basin (including loading anticipated from recycled water projects) such that groundwater quality objectives can be met into the future.

Topic 4.1: Establish Basin Categorization

The Policy states that the Board’s intention is that every groundwater basin in California have a “consistent” SNMP. The State Water Board later clarified this intent in memorandum dated August 2, 2009 that recommended that priority for developing SNMPs be given to basins identified as “priority basins” by the United States Geological Survey (USGS), Groundwater Ambient Monitoring and Assessment (GAMA) program.⁹ The GAMA program identified 116 (of a total of 472) groundwater basins as priority basins based on a variety of criteria including basin area, number of water supply wells, municipal and agricultural groundwater use, pesticide use, and number of leaking underground storage tanks.

Some regional water boards have developed different basin prioritization schemes based on a region-specific analysis. These regional prioritization schemes include a category of basin where an SNMP may not be needed based on factors including a lack of groundwater use, minimal salt and nutrient loading, water quality conditions that do not indicate vulnerability to salt and nutrient loading, or other region-specific factors.

Due to differences in regional groundwater conditions, the prioritization schemes developed by the regions do not comport fully with the state-wide USGS GAMA prioritization scheme.

Proposed Amendment Topic 4.1:

- a. Include language in the Policy to require the regional water boards to evaluate the groundwater basins within their region with respect to the potential threat from salts and nutrients to groundwater quality. Based on that assessment, categorize those basins that are at highest risk and in need of an SNMP. Use this evaluation also to categorize those basins that have a very low threat from salts and**

⁹ <https://pubs.usgs.gov/wri/wri034166/pdf/wri034166.pdf>

nutrients and thus would not benefit from salt and nutrient management planning. The Policy would include Basin characteristics to consider in this evaluation, along with a requirement that the basins be re-evaluated periodically.

This categorization would encourage regions to focus SNMP efforts toward those basins that are most at risk with respect to salts and nutrients. This categorization also could be used to facilitate permitting of recycled water projects. Recycled water projects in basins where salts and nutrients do not represent a threat to groundwater quality objectives would require less evaluation, while potential permit requirements for groundwater monitoring, participation in an SNMP, or other requirement could be focused only on those basins in which salts and nutrients pose a relatively high threat to groundwater quality.

- b. To improve statewide consistency, require regional water boards to prioritize groundwater basins for SNMP development based on the prioritization system developed by the United States Geological Survey, Groundwater Ambient Monitoring and Assessment (GAMA) program or the California Department of Water Resources California Statewide Groundwater Elevation Monitoring (CASGEM) system, which is used by the Sustainable Groundwater Management Act (SGMA) program. Continue to encourage focusing of SNMP efforts on high priority basins in accordance with these systems.

Topic 4.2: Include Streamlined Permitting Criteria for Non-Potable Water Recycling Projects and Guidance for Permitting Projects in Basins with no SNMP

The Policy contains streamlined permitting criteria and guidance for antidegradation evaluations for landscape irrigation projects. The Policy states that a landscape irrigation project may be approved if it meets the streamlined permitting criteria in the Policy without further antidegradation analysis, provided that the project complies with the applicable SNMP. The Policy also includes interim assimilative capacity criteria to demonstrate compliance with the Antidegradation Policy for cases where an SNMP is being prepared.

The Policy does not include streamlined criteria or antidegradation guidance for other non-potable recycled water use projects (i.e., agricultural irrigation, or other non-potable uses allowed in Title 22). The Policy also is silent on permitting projects in basins that do not have an SNMP, where no SNMP is being developed, or where the regional boards may have determined that an SNMP is not needed.

Since the Policy was adopted, the State Water Board developed statewide Water Reclamation Requirements for Recycled Water Use (Order WQ 2016-0068-DDW, "2016 WRRs"). The 2016 WRRs provide streamlined criteria and an antidegradation analysis for all non-potable recycled water projects included in Title 22. Thus, if a regional water board determines that a non-potable project conforms to the requirements in the 2016 WRRs and enrolls the applicant under the 2016 WRRs, no further antidegradation analysis is needed for the project, although a regional water board may require the project applicant to develop or participate in developing an SNMP.

Groundwater monitoring is not required for these projects and can only be added as a permit condition with approval from the Executive Officer.

For groundwater replenishment projects, the Policy states that each replenishment project must be reviewed on a site-specific basis, and that each project must demonstrate compliance with the Antidegradation Policy. Based on the potential for each groundwater replenishment project to impact groundwater quality, staff is not considering changes to these requirements.

Proposed Amendment Topic 4.2:

Staff is proposing to amend the Policy to include streamlined permitting criteria for projects using recycled water for all non-potable uses allowed under Title 22. The streamlined criteria would be written such that no further antidegradation analysis would be required for non-potable reuse projects that meet those criteria. These streamlined criteria would be based on the criteria developed for the 2016 WRRs, such that it would be as (or potentially more) protective as those criteria. These streamlined criteria could be used to facilitate permitting of non-potable recycled water projects that meet the criteria and for which the 2016 WRRs are not an appropriate permitting mechanism, and could be applied to basins where there is no SNMP in place or in development.

The streamlined criteria would address the potential need for an SNMP as a condition of the permit. For basins categorized as having a low threat to water quality from salts and nutrients, no SNMP would be required as a condition of a permit. For basins categorized as having a high threat to water quality from salts and nutrients, regional water boards would have discretion to require, as a condition of the permit, development of or participation in an SNMP, or in lieu of SNMP development or participation, preparation of a site-specific nutrient management plan.

Topic 4.3: Clarify Approval Process for SNMPs That Do Not Result in a Basin Plan Amendment

The Policy states that the regional water boards shall consider for adoption revised implementation plans “for those groundwater basins within their regions where water quality objectives for salts or nutrients are being, or are threatening to be, exceeded,” and that the implementation plans shall be “based on” the SNMPs required by this Policy.

Several SNMPs that have been prepared conclude that salts and nutrients are not exceeded or threatened to be exceeded in the basin, and no amendments to the basin plan are recommended. Also, the Policy states SNMPs include compliance with CEQA. Yet CEQA is only triggered if the Regional Water Boards choose to consider Basin Plan amendments based on the SNMPs.

The Policy does not include guidance regarding the approval process for SNMPs that do not involve a basin plan amendment. Some regions have used Board Resolutions as a means to accept these SNMPs while other regions have not developed an approval process.

Proposed Amendment Topic 4.3

Staff is proposing to include language in the Policy to explain the process for a regional water board to accept SNMPs that do not involve amending the basin plan. The language will include

a process for describing staff review and approval of SNMPs, and how approved SNMPs are to be used to guide permitting of water recycling projects in the region.

Topic 4.4: Clarify the Intent and Use of Interim Assimilative Capacity Criteria

The Policy includes interim assimilative capacity criteria to demonstrate compliance with the Antidegradation Policy for cases where an SNMP “is being prepared” (landscape irrigation projects) or “until such time as an SNMP is in effect” (groundwater recharge projects). These interim criteria state that compliance with the Antidegradation Policy can be achieved by demonstrating that an individual project utilizes less than 10 percent (or less than 20 percent for multiple projects) of the available assimilative capacity in a basin. Some regional water boards have extended the use of these interim criteria to facilitate permitting projects in the absence of an SNMP. These interim criteria were intended to assist with permitting of recycled water projects while SNMPs were being developed. The deadlines for SNMP development in the Policy have passed, and there is a need to clarify how these interim criteria are to be used going forward.

Proposed Amendment Topic 4.4:

- a. Extend use of the interim capacity for potable and non-potable projects. This would maintain the incentive provided by the interim assimilative capacity to potentially encourage development of more SNMPs, and continue to provide a streamlined path for permitting recycled water projects.
- b. Do not extend the use of these interim capacity criteria. The deadlines for developing SNMPs using these interim criteria has passed, including the option for two-year extensions.
- c. **Extend use of interim capacity only for groundwater recharge projects. This would continue to facilitate or encourage development of SNMPs and facilitate permitting of those projects.**

Topic 4.5: Guidance Regarding Updating of SNMPs

The Policy states that stakeholders shall provide monitoring data collected from SNMPs every three years, but does not include any language regarding what type of evaluation is to be done with that data at what frequency, or how SNMPs may be updated based on that data.

Proposed Amendment Topic 4.5:

Staff proposes to include language in the Policy to encourage stakeholders to update SNMPs periodically, including types of analyses that should be included in the updates and the frequency for the update.

Topic 5: Re-evaluate Priority Pollutant Monitoring Requirements for Landscape Irrigation and Groundwater Recharge

Topic 5.1: Re-evaluate Requirement for Priority Pollutant Monitoring for Landscape Irrigation

The Policy requires priority pollutant monitoring for recycled water used in landscape irrigation due to potential water quality degradation from incidental runoff. The Policy requires monitoring

of 126 priority pollutants in recycled water at the recycled water production facility once per year, except when the facility has a design production flow of one million gallons per day or less, in which case monitoring is required once every five years. Title 22 includes the requirement that irrigation runoff shall be confined to the recycled water use area, unless the runoff does not pose a public health threat and is authorized by the regulatory agency. Staff evaluated priority pollutant monitoring data from the last five years and found a very low (less than 1%) frequency of exceedances statewide.

Proposed Amendment Topic 5.1:

- a. **Remove priority pollutant monitoring requirements for landscape irrigation.**
- b. Reduce the frequency of priority pollutant monitoring requirements for landscape irrigation.
- c. Reduce the required number of constituents to be monitored.
- d. Retain the existing priority pollutant monitoring requirements for landscape irrigation, and specify that water producers are responsible for this monitoring requirement.

Topic 5.2: Priority Pollutant Monitoring for Groundwater Replenishment Projects

The Policy includes a requirement that groundwater recharge projects shall monitoring for priority pollutants twice per year. Since the Policy was adopted, Title 22 regulations for groundwater recharge project were adopted. Those regulations require quarterly monitoring of priority pollutants, with a provision that a project sponsor may reduce this frequency to once per year with Agency approval, and based on two years of quarterly data.

Proposed Amendment Topic 5.2:

Staff proposes to remove the requirement for priority pollutant monitoring for groundwater replenishment projects, as those requirements are covered in Title 22.

Topic 6: Add Clarifying Language Regarding the Process to Comply with Water Code Section 1211

Water Code section 1211 requires wastewater treatment plants to obtain approval from the State Water Board prior to making any change in the point of discharge, place of use, or purpose or use of treated wastewater. Stakeholders have expressed concern about the mechanism for verifying compliance with Water Code section 1211 during the recycled water permitting process.¹⁰ Additionally, the California Department of Fish and Wildlife has requested improved interagency coordination on this issue during the recycled water permitting process.

¹⁰ Water Code section 1211 states, "(a) Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, the owner of any wastewater treatment plant shall obtain approval of the board for that change. The board shall review the changes pursuant to the provisions of Chapter 10 (commencing with Section 1700) of Part 2 of Division 2. (b) Subdivision (a) does not apply to changes in the discharge or use of treated wastewater that do not result in decreasing the flow in any portion of a watercourse."

Proposed Amendment Topic 6:

Staff proposes to include language to explain the requirement and process for complying with Water Code section 1211. The language would specify that Water Code section 1211 determinations are issued before issuing recycled water permits or disbursing recycled water funding. The State Water Board may consider potential cumulative impacts to the environment and public trust resources caused by a proposed project and related projects that may reduce stream flows within a watershed.

Topic 7: Establish a Process for Regional Water Boards to Review and Update Recycled Water Permits and Orders

Many regional water boards have historically permitted recycled water projects under site-specific waste discharge requirements, water reclamation requirements, master reclamation permits, or regional general orders. Since many of these types of permits are not frequently updated, some recycled water facilities have permit requirements that may not be consistent with the requirements of Title 22 or the Policy. In 2016, the State adopted the 2016 WRRs in order to provide a more efficient permitting process that requires less staff time and resources for those applicants that are eligible. Staff is proposing to require the regional water boards to review existing permits and update, as necessary, for compliance with existing regulations. To the extent feasible, regional water board staff will be encouraged to enroll eligible projects into the 2016 WRRs.

Topic 8: Rescind 2009 Landscape General Order

In 2009, the State Water Board adopted a general permit for landscape irrigation uses of recycled water ([Order WQ-2009-0006-DWQ](#)) as required in Water Code section 13552.5.¹¹ Only two permittees are enrolled in the landscape irrigation general order, and the 2016 WRRs meet the intent of the statutory requirements in Water Code section 13552.5. Staff intends to rescind Order WQ-2009-0006-DWQ and transition current enrollees to the 2016 WRRs.

For questions regarding this document, stakeholder meetings, or other questions about the Policy, please contact:

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https://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/

¹¹ Water Code section 13552.5 states, in part, “On or before July 31, 2009, the state board shall adopt a general permit for landscape irrigation uses of recycled water for which the State Department of Public Health has established uniform statewide recycling criteria pursuant to Section 13521.”