

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2018-0057**

ADOPTION OF AN AMENDMENT TO THE POLICY
FOR WATER QUALITY CONTROL FOR RECYCLED WATER AND THE
STAFF REPORT WITH SUBSTITUTE ENVIRONMENTAL DOCUMENTATION

WHEREAS:

1. The State Water Resources Control Board (State Water Board) encourages the development of new and underutilized water resources to mitigate the effects of long-term drought, climate change, and water supply uncertainty, including the use of recycled water.
2. Recycled water can be used in water-scarce areas of the State to supplement or replace existing water supplies and is a valuable component of groundwater management in hydrologically closed groundwater basins, provided beneficial uses are protected.
3. On January 6, 1977, the State Water Board adopted a Principle to encourage water reclamation projects where beneficial use will be made of wastewaters that would otherwise be discharged to marine or brackish receiving waters or evaporation ponds and which do not adversely impact vested water rights or unreasonably impair instream beneficial uses or place an unreasonable burden on present water supply systems ([Resolution No. 77-001](#)).
4. On February 3, 2009, the State Water Board adopted the Policy for Water Quality Control for Recycled Water (Recycled Water Policy) ([Resolution No. 2009-011](#)).
5. On January 22, 2013, the Recycled Water Policy was amended ([Resolution No. 2013-0003](#)) to specify requirements for monitoring constituents of emerging concern (CECs) in recycled water. Since the Recycled Water Policy was last amended in 2013, there have been significant advancements in recycled water use, regulations, and research.
6. Uniform water recycling criteria for indirect potable reuse for groundwater recharge became effective on June 18, 2014.
7. On June 7, 2016, the State Water Board adopted Water Reclamation Requirements for Recycled Water Use ([Order WQ 2016-0068-DDW](#)) that established standard conditions for recycled water use and conditionally delegated authority to an Administrator to manage a Water Recycling Program and issue water recycling permits to recycled water users. Order WQ 2016-0068-DDW permits non-potable reuse of treated municipal wastewater.
8. On December 6, 2016, the State Water Board directed staff to initiate stakeholder outreach to solicit input on proposed updates to the Recycled Water Policy through [Resolution No. 2016-0061](#), to Reaffirm Support for the Development of Salt and Nutrient Management Plans and Direct Staff to Initiate a Stakeholder Process to Update the Recycled Water Policy. Resolution No. 2016-0061 also directed staff to convene a Science Advisory Panel to provide recommendations for monitoring for CECs in recycled water, and to develop a proposal for an efficient, statewide reporting program and data management system that would allow online reporting of the volume, quality, and use(s) of recycled water.

9. On March 7, 2017, the State Water Board adopted [Resolution No. 2017-0012](#), Comprehensive Response to Climate Change that identified the potential for the use of recycled water to reduce greenhouse gas emissions if replacing existing or future, higher carbon water supplies. Where feasible, recycled water should be treated to the appropriate level to meet local water supply needs. Resolution No. 2017-0012 directed staff to coordinate with the regional water boards to make annual reporting of recycled water data a requirement of waste discharge permits and water reclamation requirements, and to work with the Division of Information Technology to develop an online data entry system to track recycled water use.
10. In accordance with the provisions of the Recycled Water Policy, Resolution No. 2016-0061, and [Resolution No. 2017-0034](#), the State Water Board provided a grant to the Southern California Coastal Water Research Project to convene a Science Advisory Panel for Recycled Water (Panel) to provide recommendations for monitoring CECs in recycled water:
 - a. On July 19 and 21, 2017, the Panel held two stakeholder meetings to solicit public input on CEC monitoring in recycled water.
 - b. On December 15, 2017, the Panel held one stakeholder meeting to present its monitoring recommendations to the public.
 - c. From January 31, 2018 to March 2, 2018, the Panel held a public comment period on its draft report titled "Monitoring Strategies for Constituents of Emerging Concern (CECs) in Recycled Water: Recommendations of a Science Advisory Panel" (Report).
 - d. On April 30, 2018, the Panel's provided its recommendations for monitoring for CECs in recycled water to the State Water Board in a [Final Report](#).
 - e. On June 11, 2018, the State Water Board held a stakeholder workshop on bioanalytical screening tools.
11. The State Water Board adopted uniform water recycling criteria for indirect potable reuse for surface water augmentation on March 6, 2018. Upon completion of the rulemaking process, the regulation became effective on October 1, 2018.
12. In developing, considering, and adopting the Amendment to the Recycled Water Policy (hereafter, Amendment), the State Water Board complied with the applicable procedural requirements and provided additional public participation opportunities to afford the public with a reasonable opportunity to participate in the consideration of the Amendment:
 - a. In 2017, staff held five focused group meetings with interested stakeholders to receive early input on the project.
 - b. On December 1, 2017 and December 5, 2017, staff held two scoping meetings pursuant to the California Environmental Quality Act (CEQA) to solicit input from public agencies and members of the public.
 - c. On January 4, 2018 and January 11, 2018, staff held two staff workshops to solicit input on the project.

- d. The Amendment and Staff Report with Substitute Environmental Documentation (hereafter, Staff Report) were released on May 9, 2018 for public comment and a public notice was distributed to identify the dates for the State Water Board hearing and the applicable written comment period, which was held from May 9, 2018 to June 26, 2018.
 - e. A State Water Board hearing was held on June 19, 2018, after notice was given of such hearing by email list distribution and by publication in newspapers within the affected counties pursuant to Water Code section 13147 and Government Code section 6061.
 - f. The Amendment was revised for the addition of perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) to the monitoring list for potable recycled water projects. On August 27, 2018, a second public notice was distributed for revisions to the Amendment and Staff Report, and a second written comment period was from August 27, 2018 to September 10, 2018.
 - g. The State Water Board received 43 timely written comment letters from the May 9, 2018 comment period and nine timely written comment letters from the August 27, 2018 comment period, and oral comments were made at the hearing. The State Water Board has carefully considered those comments received on the Amendment and responded to the comments.
 - h. Based on the oral and written comments, the State Water Board revised the Amendment and the Staff Report. On November 15, 2018, the State Water Board distributed and posted the Amendment and the Staff Report. On November 27, 2018, the State Water Board distributed and posted written responses to public comments.
13. The State Water Board complied with the tribal consultation requirements established by Governor's Executive Order No. B-10-11 (September 19, 2011) and Assembly Bill 52 (Gatto) (Stats. 2014, ch. 532) which ensure tribal governments have the opportunity to provide meaningful input in the development of regulations, rules, policies, or projects that may affect Native American Tribes.
14. The Resources Agency has approved the State Water Board's and the Regional Water Quality Control Boards' water quality control planning process as a "certified regulatory program" that adequately satisfies CEQA requirements for preparing environmental documents. State Water Board staff has prepared a "substitute environmental document" for this project that contains the required environmental documentation under the State Water Board's CEQA regulations. (California Code of Regulations, title 23, section 3777.) The substitute environmental documents include the "Staff Report and Substitute Environmental Documentation," which includes an environmental checklist, the comments and responses to comments, the Amendment itself, and this resolution. The project is the adoption of an Amendment to the Recycled Water Policy.
15. The scientific portions of the Amendment underwent external scientific peer review as required by Health and Safety Code section 57004, as discussed in Chapter 11 of the Staff Report. On November 27, 2018, the State Water Board distributed and posted written responses to peer review comments.
16. Water Code section 13267 and Water Code section 13383 provide the State Water Board the authority to require discharging entities to furnish technical or monitoring program reports, provided that the burden, including costs, of these reports bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves and adopts the [Staff Report with Substitute Environmental Documentation](#), which was prepared in accordance with the provisions applicable to the State Water Board's certified exempt regulatory programs, California Code of Regulations, title 23, sections 3777 through 3779.
2. After considering the entire administrative record, including all oral testimony and written comments received, adopts the [Amendment to the Policy for Water Quality Control for Recycled Water](#), which as amended, shall hereafter be known as the Water Quality Control Policy for Recycled Water or the Recycled Water Policy.
3. Authorizes the Executive Director or designee to submit the Amendment and the administrative record to the Office of Administrative Law (OAL) for approval.
4. Authorizes the Executive Director or designee to make minor, non-substantive modifications to the language of the Amendment and the supporting documentation if State Water Board staff or OAL determines that such changes are needed for clarity or consistency; and directs the Executive Officer to inform the State Water Board of any such changes after they are made.
5. Directs staff, upon approval by OAL, to file a Notice of Decision with the Secretary for Natural Resources and transmit payment of the applicable fee as may be required to the Department of Fish and Wildlife pursuant to Fish and Game Code section 711.4.
6. Directs the State Water Board Executive Director, after the effective date of the Amendment, to issue an order pursuant to Water Code section 13267 and Water Code section 13383 to implement the monitoring requirements of the Amendment, which shall supersede existing reporting requirements for recycled water to the extent of any conflict or duplication, wherever possible.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 11, 2018.

AYE: Chair Felicia Marcus
Board Member Tam M. Doduc
Board Member Dorene D'Adamo
Board Member E. Joaquin Esquivel
Board Member Sean Maguire

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board