

**DRAFT RESPONSES TO PUBLIC COMMENTS
DRAFT WATER RECYCLING REQUIREMENTS FOR RECYCLED WATER USE
COMMENT PERIOD CLOSED 13 MAY 2016**

Comment Number	Submitted by	Section of the GO	Page	Comment	Response to Comment
1	SOCWA	Finding 34	15	We respectfully request that the following language be added to Finding 34 of the Proposed General Order. "Recycled water producers covered under existing master reclamation permits or under existing individual waste discharge requirements can continue to operate under that authority until requested by the Regional Board to either expand or renew coverage under a master or individual recycled water order. " This change will clarify the purpose and applicability of the General Order Finding.	It is the intent of the Order to not supersede coverages under existing Master Reclamation Permits or individual orders issued by Regional Water Boards.
2	Wishtoyo Foundation	Finding 14, Finding 23; Specification B.1.i; Attachment A What to File Section II.	3; 6; 20; A-2	<p>The General Order fails to comply with the California Constitution and Water Code. The State Board has revised the General Order by adding subpart "i." to Section B.1., which simply states that recycled water distribution and use permitted under the General Order be in compliance with "i. Policy for Water Quality Control for Recycled Water (Recycled Water Policy)." The State Board has also revised Section B.3. such that Implementation or Operations and Management Plans under the General Order should now specify "a set of reasonably practicable measures to ensure compliance with this General Order." Wishtoyo believes that the State Board may have made these revisions in response to our February 22 comments, but the revisions entirely fail to achieve General Order compliance with the California Constitution and Water Code. Neither the Recycled Water Policy, the provisions in the General order specifying the state has the authority to require "reasonably practicable measures" to ensure compliance with this General Order, nor any other provisions in the General Order require that the state, through its issuance of the Notice of Applicability ("NOA") or other mechanisms, analyze whether or ensure that recycled water: 1. is used reasonably, 2. is not used wastefully, 3. is managed or used in a manner to protect groundwater supplies, and 4. is managed or used in manner to protect in-stream flow public trust protected resources.</p> <p>(See Section B. Specifications, paragraph 1.i., 3; Attachment A Notice of Intent Section II Recycled Water Application paragraphs a.3 and b.3.; Findings paragraphs 14 and 23; and the entire General Order). While the General Order requires adherence to agronomic water application rates, these rates are in place to protect water quality, and do not function to ensure or require reasonable water use, prevention of water waste, and protection of groundwater and in-stream public trust resources. For all these reasons, as articulated in Wishtoyo's February 22, 2016 comment letter, if the State Board issues this General Order, it will be in violation of Article X Section 2 of the California Constitution, Sections 100 and 275 of the California Water Code, and the California Public Trust Doctrine.</p> <p>In sum, the State Board's revisions to the General Order do not cure its failures to adhere to Article X Section 2 of the California Constitution, Sections 100 and 275 of the California Water Code, and the California Public Trust Doctrine.</p>	This comment is outside the scope of the additional comment period. Staff prepared a response to Wishtoyo's February 22, 2016, comment letter regarding this issue. Please see the Response to Public Comment document.
3	Wishtoyo Foundation	Finding 23	6	The General Order Threatens to Facilitate New Unsustainable Water Uses and the Continuance of Wasteful and Unreasonable Water Uses that Threaten to Increase Strain on the State's Water Resources Instead of Protecting and Securing Them. Because the General Order does not analyze or ensure that recycled water 1) be used reasonably, 2) not used wastefully, 3) managed or used in a manner to protect groundwater supplies, and 4) managed or used in manner to protect in-stream flow public trust protected resources, the revised Finding 23 of the General Order providing that "This General Order furthers the human right to water by encouraging 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," is not supported, as the State Board provides no basis for this assertion.	This comment is outside the scope of the additional comment period. Staff prepared a response to Wishtoyo's February 22, 2016, comment letter regarding this issue. Please see the Response to Public Comment document.

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4	Wishtoyo Foundation	Finding 33; Finding 34	15	<p>Applicability of the General Order When a Specific Regional Board WDR/WRR Order is in Effect. The strikethroughs in Findings 33 and 34 materially alter the draft General Order dated January 21, 2016 by allowing an entity enrolled under a WDR/WRR issued by a Regional Board, to terminate its WDR/WRR at its discretion, and instead enroll at will without the applicable Regional Board's approval. This is especially concerning in the case where a WDR/WRR promulgated by a Regional Board with local expertise in protecting local groundwater aquifers and surface waters may be specialized and more protective of groundwater aquifers and surface waters, and has spent time and resources tailoring a WDR/WRR to provide needed and specific protections for local surface and groundwater resources. For this reason, Wishtoyo's position is that an applicable Regional Board must provide a holder of WDR/WRR authorizing the use and or distribution of recycled water with permission to enroll in the General Order in lieu of a WDR/WRR, and that the Regional Board must support its decision to grant permission to enroll in the General Order and terminate its WDR/WRR with concrete evidence that enrollment in the General Order will provide equivalent protection of surface and groundwater resources, and will ensure that the recycled water is used and managed in a manner consistent with the California Public Trust Doctrine and the reasonable use and waste preventions of the California Constitution and Water Code.</p> <p>The General Order contains no findings that bridge the analytical gap demonstrating that the human right to water or protection of in-stream flow public trust resources are being furthered by the General Order. In regions with flow deprived streams and overdrafted groundwater aquifers, the General Order does not require any analysis of the reasonableness of the use of recycled water it authorizes or of whether the use of recycled water can be managed in a way that protects public trust resources and water supplies. One result of requiring such analysis and then the subsequently conditioning of recycled water to result in reasonable use and protection of public trust resources through NOAs or other General Order mechanisms, could be ensuring that water withdrawers from flow deprived streams or overdrafted groundwater aquifers that receive recycled water under the General Order leave an amount of water in the ground or instream equivalent to the amount of recycled water received through General Order authorization.</p>	<p>Even though the State Water Board adopts this proposed Order, the implementation will largely remain with Regional Water Boards. Regional Water Board staff will be reviewing each enrollment package and determine whether the proposed program is eligible for coverage under this proposed Order. In addition, the Regional Water Board Executive Officers can deny coverage if the proposed program is not protective of water quality, and instead require coverage under a site specific order.</p> <p>Wishtoyo's concerns regarding human right to water and protection of in-stream flow were also included in its April 22, 2016, comment letter. Staff prepared a response to Wishtoyo's February 22, 2016, comment letter regarding this issue. Please see the Response to Public Comment document.</p>
5	CASA, WateReuse	Finding 34	15	<p>As you know, we worked with your staff over the fall and into early 2016 on the Proposed Order, which will replace the existing General Waste Discharge Requirements for Recycled Water Use (order WQ 2014-0090-DWQ) adopted by State Water Resources Control Board (State Water Board) on June 3, 2014 (2014 Order). We and our membership were not expecting the new language in Finding 34, which requires that all regulatory coverage under an existing Regional Water Board general order or conditional waiver for non-potable uses of recycled water be terminated in three years and coverage be obtained under the Proposed Order. This major change will primarily impact the Bay Area recyclers and permittees in the Colorado River Basin. These agencies, which have been operating successfully under their Regional Board general order for many years, have only had a few weeks to assess the impact on their agencies of this significant change. As such, we ask that you extend the comment period on this item by one month to allow for the development of more comprehensive comments to the Board by impacted agencies.</p>	<p>The comment period for the revised Finding 34 was extended by 7 additional days for a total of 21 calendar days of public comment period in response to this comment.</p>

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6	CASA, WaterReuse	Finding 34	15	As you know, the fundamental purpose of the Proposed Order is to facilitate the use of recycled water in the state. As such, we ask that if the Board adopts Finding 34, it work closely with the Bay Area and Colorado Basin agencies to create a smooth transition to the Proposed Order. For example, existing permittees already have effective Engineering Reports and Operational and Maintenance Plans in place. Recreating all these reports would be a significant administrative burden to agencies and should not be necessary to obtain coverage under the Proposed Order. There are also other significant differences between the Proposed Order and the Bay Area Regional Water Board general order. We ask that to the extent we are unable to work through all of the potential issues with transitioning those under Regional Orders to the Proposed Order before or at the June 7 hearing, during the three-year transition period, your staff work closely with the regional boards on these issues to make this transition as seamless as possible.	Thank you for your comment. Staff acknowledges and appreciates the suggestions. Staff will be working with Bay Area and Colorado Basin Regional Water Quality Control Boards to create a smooth transition of existing enrollees to the proposed Order. Staff recognized that recreating Engineering Reports and Operation and Maintenance Plans is a significant effort. Each enrollee's permit documentation (including reports) will be reviewed to ensure compliance with the requirements of the proposed Order. The level of necessity to recreate the reports will vary. For example, programs and associated facilities that has only been recently reviewed by State Water Board Division of Drinking Water for compliance with Title 22 will more likely able to keep its existing reports. Programs that have not been reviewed before Title 22's update in 2000 may have to be significantly revised.
7	State of California Department of Fish and Wildlife	Finding 32; Specification B.1. (h)	14; 20	<p>It is the Department's understanding, based on the language of Finding 32 and Specification B.1.(h) of the Draft General Order, that a municipal wastewater facility will still be required to comply with Water Code section 1211 after the Draft General Order is adopted. As the State Water Resources Control Board (Board) is aware, Water Code section 1211 requires that the owner of a wastewater treatment plant file a petition with the Board and obtain its approval before decreasing a discharge to a watercourse.</p> <p>The Department supports the Draft General Order and its stated intention to further encourage recycled water projects by streamlining permitting of recycled water uses that are a relatively low threat to water quality. The Department shares this goal and looks forward to working with municipal wastewater facility owners and the Board to achieve that goal.</p>	This comment is outside of the scope of the additional comment period. Staff thanks Department of Fish and Wildlife for the support of the Order. Compliance with Water Code section 1211 (wastewater change petition) is a regulatory process that has to met if a water reuse project will decrease the amount of water in a stream or other waterway.
8	City of Pleasanton	Finding 34	15	After recently going through the process of obtaining authorization to distribute recycled water, our view is the Regional Water Board has a well-functioning system for permitting recycled water projects. Furthermore, Pleasanton does not see added benefits to a mandatory enrollment into the proposed General Order. It is our view that Finding 34 is not consistent with the intent of the proposed General Order for streamlined recycled water permitting in the State to encourage and increase recycled water use. Instead, it is our view that Finding 34 will increase our administrative burdens, costs associated with recycled water, and discourage customers from connecting to our developing recycled water system. It is our recommendation that the State Water Resources Control Board removes the language specifying the termination of existing Regional Water Board general order or conditional waiver for non-potable uses of recycled water, and subsequent transfer for coverage under the proposed General Order in Finding 34.	<p>Consistent with the purpose of the Recycled Water Policy, the State Water Board's intention in the issuance of this statewide order is to provide consistent regulation of non-potable uses of recycled water statewide while allowing the Regional Water Boards to focus their limited resources on projects that require substantial regulatory review due to unique site-specific condition.</p> <p>Existing Regional Water Board general orders for non-potable uses of recycled water generally pre-date the Recycled Water Policy (adopted in 2009, amended in 2013) and do not incorporate the relevant streamlined permitting criteria to be used by the Water Boards in issuing permits for recycled water projects. For example, R2-96-011 was adopted by the San Francisco Regional Water Quality Control Board (RWQCB) in 1996 for municipal non-potable uses of recycled water such as irrigation, dust control, sanitary sewer flushing, etc., and R7-97-700 was adopted by the Colorado River RWQCB in 1997 for landscape and golf course irrigations. Each order has not been reviewed or amended since its adoption (20 years and 19 years, respectively). The California Water Code section 13263 states that Regional Water Boards "upon application by any affected person, or on its own motion" may review and revise its orders. While the California Water Code does not specify the frequency of this review and revision for discharge to land (Non-15) orders, it specifies that "all requirements shall be reviewed periodically." Review of these orders is well overdue. The proposed order can provide coverage for a wide range of non-potable reuse projects. It is a more efficient use of Regional Water Board staff resources to replace outdated Regional Water Board general orders with the proposed order and focus the efforts on minimizing impact of the transition for the existing enrollees.</p>

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9	Redwood City	Finding 34	15	If the State Board does adopt Finding 34 into the State General Order, Redwood City recommends that changes be made in order to mitigate the impact on permittees. We recommend that existing permittees be deemed as enrolled into the General Order to minimize administrative burden on permittees and Regional Water Board staff. Redwood City has an Engineering Report and O&M Plan that has been established and is working effectively. Resources needed to put together new Engineering Reports and O&M reports to get coverage under the new State General Order could be better used in expanding the use of recycled water.	Thank you for your comment. Staff acknowledges and appreciates the suggestions. Staff will be working with Bay Area and Colorado Basin Regional Water Quality Control Boards to create a smooth transition of existing enrollees to the proposed Order. Staff recognized that recreating Engineering Reports and Operation and Maintenance Plans is a significant effort. Each enrollee's permit documentation (including reports) will be reviewed to ensure compliance with the requirements of the proposed Order. The level of necessity to recreate the reports will vary. For example, programs and associated facilities that has only been recently reviewed by State Water Board Division of Drinking Water for compliance with Title 22 will more likely able to keep its existing reports. Programs that have not been reviewed before Title 22's update in 2000 may have to be significantly revised.
10	Redwood City	Finding 19; Attachment B Recycled Water Monitoring	5; B-2	Furthermore, imposing priority pollutant monitoring requirements in the State General Order does not make sense to implement everywhere in the State. Redwood City recommends that Regional Water boards be given discretion to waive the priority pollutant monitoring requirements in the WRR.	This comment is outside the scope of the additional comment period. The State Water Board Recycled Water Policy paragraph 7.b.(4) requires monitoring for priority pollutants in the recycled water at the recycled water production facility for landscape irrigation projects.
11	California League of Food Processors	General Comment	N/A	<p>The California League of Food Processors (CLFP) is a statewide trade association that represents food companies with operations in California. Our members include fruit, nut, vegetable, and dairy processors, some of which also have farming operations. Food processing and farming operations tend to be water intensive activities, so CLFP members have a significant interest in the Proposed General Order.</p> <p>CLFP supports efforts by the State Water Board to encourage the expanded use of recycled water. This has historically been an underutilized resource due to regulatory restrictions and public misconceptions about recycled water. However, the ongoing drought and the renewed focus on effective water management necessitate a new approach to the use of recycled water. CLFP supports the use of recycled water for agricultural crop irrigation or field dust control as long as the grower properly addresses any food safety concerns due to the potential presence of pathogens. The Food Safety Modernization Act and other regulations administered by the U.S. Food and Drug Administration (FDA) provide guidance to growers and processors regarding the quality of water that should be used in growing and processing operations. The State Water Board can defer to FDA and the California Department of Public Health regarding these matters.</p>	This comment is outside the scope of additional comment period. Staff thanks the California League of Food Processors for the support of the Order. The State Water Board, through its Division of Drinking Water, maintain our relationship with the California Department of Public Health (Food and Ag Branch) and defer to their guidance regarding acceptable quality of recycled water that can be used in growing and processing operations.
12	California League of Food Processors	Finding 31	11	Section 31 of the Proposed General Order notes that recycled water may contain elevated levels of salt, nitrogen, and other chemicals of concern. CLFP agrees that the beneficial use of recycled water for irrigation should not result in the degradation of groundwater of surface water. CLFP believes that the State Board and water supply agencies can work with the various Irrigated Lands Regulatory Program coalitions located around the state to ensure that the agronomic use of recycled water by agriculture will not conflict with other water quality initiatives. However, it is not clear how this issue will be managed regarding commercial landscape irrigation or construction dust control where there is no overarching regulatory framework.	<p>This comment is outside the scope of additional comment period. Finding 31 acknowledges elevated salt, nitrogen, and other chemicals of concern that may be present in recycled water to consider the level of threat to water quality. The Order acknowledges the requirements of Irrigation Lands Regulatory Program and streamline requirements imposed by this Order as appropriate. For example, Regional Board Executive Officers may modify a Monitoring and Reporting Program for an agricultural operation to prevent duplication of monitoring and reporting activities that satisfy the requirements of both orders.</p> <p>All programs proposed for coverage (including commercial landscape irrigation or construction dust control) will have to demonstrate that each program will meet requirements of the Order before coverage is authorized.</p>

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13	California League of Food Processors	General Comment	N/A	<p>CLFP also supports the use of recycled water for industrial uses that don't require potable water. Using recycled water, where feasible, frees up supplies of quality potable water for other more critical uses. Food processors may not be able to extensively use recycled water as many applications in food facilities require the use of potable water, but they may be able to use the water for landscape irrigation, cleaning outdoor equipment or vehicles, or other uses.</p> <p>The agencies that supply recycled water must be required to provide timely and complete data to all users regarding the chemical constituents detected. The agencies should also be encouraged to establish pricing schedules that provide adequate economic incentives to use recycled water.</p> <p>CLFP urges the State Water Board to work with local water supply agencies to develop the plans, infrastructure, policies, and funding to facilitate expanded capture and use of recycled water. In many cases this may require investment in conveyance, pumping, and monitoring systems. But these investments should provide great long-term dividends to the environment and to the State.</p>	This comment is outside the scope of additional comment period. Staff thanks the California League of Food Processors for the acknowledgment that the use of recycled water can free up potable water for more critical uses. The Recycled Water Policy requires producers to communicate nutrient levels in the recycled water delivered to customers. Currently, the Order requires that recycled water must meet Title 22 specifications for proposed uses. Delivery of recycled water must be discontinued if the Administrator believe off-spec recycled water is produced.
14	San Diego County Water Authority	Finding 34	15	<p>It is our understanding that agencies in the San Diego region that are currently covered under Master Reclamation Permits will be allowed to continue to operate their recycled water projects under these existing permits. Use of existing permits will minimize staff labor costs for both agency and Regional Board staff which will eliminate the need to have two permits and potentially require preparation of new engineering and operations and maintenance reports associated with enrollment under the Proposed General Order.</p> <p>Use of Master Reclamation Permits has increased the beneficial use of recycled water, and provided regulatory certainty to those agencies that commit limited resources for the production and distribution of recycled water to reduce imported water demands, particularly during drought conditions.</p>	It is the intent of the Order to not supersede coverages under existing Master Reclamation Permits or individual orders issued by Regional Water Boards.
15	San Diego County Water Authority	General Comment	N/A	Any future update to this permit should also consider including the treatment requirements for recycled water facilities, so that more agencies will be able to benefit from this permit.	This comment is outside the scope of the additional comment period. Staff thanks San Diego County Water Authority for this comment and will consider this comment for future update to this permit.
16	Coachella Valley Water District	Finding 34	15	<p>Proposed Finding 34 Reduces Regulatory Flexibility Needed to Encourage Recycled Water Use. CVWD does not believe there is a need to have identical regulatory programs statewide managing recycled water uses and this was not the reason that the subject Order was developed. Instead, the subject Order was a product of Recycled Water Policy to provide an alternative option to Regional Water Board permitting that provides greater regulatory flexibility to encourage the use of recycled water statewide. The objective of developing a statewide general order for recycled water use was certainly not to reduce the regulatory options available to entities wishing to develop new or expand existing recycled water use programs. The proposed change to Finding 34 would eliminate Regional Water Board general orders that have provided agencies like CVWD regulatory programs tailored to local recycled water use conditions and truly encourage the safe use of recycled water in California. This proposed change would act to significantly discourage recycled water use in the Coachella Valley at a time when CVWD is taking significant steps to encourage water conservation and expand recycled water use -- actions that are consistent with the recent State drought mandates and groundwater management regulations.</p>	<p>Consistent with the purpose of the Recycled Water Policy, the State Water Board's intention in the issuance of this statewide order is to provide consistent regulation of non-potable uses of recycled water statewide while allowing the Regional Water Boards to focus their limited resources on projects that require substantial regulatory review due to unique site-specific condition.</p> <p>Existing Regional Water Board general orders for non-potable uses of recycled water generally pre-date the Recycled Water Policy (adopted in 2009, amended in 2013) and do not incorporate the relevant streamlined permitting criteria to be used by the Water Boards in issuing permits for recycled water projects. For example, R2-96-011 was adopted by the San Francisco Regional Water Quality Control Board (RWQCB) in 1996 for municipal non-potable uses of recycled water such as irrigation, dust control, sanitary sewer flushing, etc., and R7-97-700 was adopted by the Colorado River RWQCB in 1997 for landscape and golf course irrigations. Each order has not been reviewed or amended since its adoption (20 years and 19 years, respectively). The California Water Code section 13263 states that Regional Water Boards "upon application by any affected person, or on its own motion" may</p>

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					review and revise its orders. While the California Water Code does not specify the frequency of this review and revision for discharge to land (Non-15) orders, it specifies that "all requirements shall be reviewed periodically." Review of these orders is well overdue. The proposed order can provide coverage for a wide range of non-potable reuse projects. It is a more efficient use of Regional Water Board staff resources to replace outdated Regional Water Board general orders with the proposed order and focus the efforts on minimizing impact of the transition for the existing enrollees.
17	Coachella Valley Water District	Finding 34	15	Proposed Finding 34 Discourages Coachella Valley Recycled Water Programs. CVWD has provided recycled water to users in Coachella Valley since 1968. The Colorado River Basin Regional Water Quality Control Board (RWQCB) has effectively managed this reuse program with the first recycled water general order in the state. Large recycled water programs including those managed by CVWD and the Desert Water Agency have been successful because the local RWQCB general order provides a streamlined permitting process that recycled water users can successfully execute and manage. Having a local general order for recycled water use that is reasonable for users to implement is important in the Coachella Valley where readily available groundwater represents and inexpensive and simple water supply that does not require the additional infrastructure and requirements needed to use recycled water. Replacing the local RWQCB general order with the one more onerous and costly subject Order is a recipe for discouraging the use of recycled water that could reverse the gains made in recent years to promote this in-lieu groundwater replenishment program.	The purpose of the proposed Order is to streamline permitting recycled water projects and provide relief to individual recycled water users through management of a recycled water program administrator. Coachella Valley reuse sites, instead of obtaining its own individual coverages under the Order, can obtain a permit from a local program administrator. Staff acknowledges Coachella Valley Water District's concern and is willing to work with Colorado River Basin RWQCB staff, Coachella Valley Water District, and individual reuse sites to work through a feasible and efficient transition process.
18	Coachella Valley Water District	Finding 34	15	<p>Proposed Finding 34 Eliminates Use-Tailored Requirements that Support Reuse. In the Coachella Valley, recycled water use is limited to irrigation of large landscape reuse areas using long-proven use practices that protect public health and the beneficial uses of local water supplies. CVWD's customer base primarily consists of a growing number of connections to the 105 golf courses within our service area. The Coachella Valley's continued existence and economic durability is reliant on tourism. Golf courses are a \$1.1 billion dollar industry for the valley. CVWD does not serve a wide variety of recycled water customers, as in other areas of California. The proposed Order is not tailored for the type of coverage as is the local RWQCB general order which is specific for golf course and landscape irrigation. CVWD does not provide recycled water for toilet flushing, snow making, recreational lakes or other types of uses that may justify more onerous management activities found in the proposed Order. Users receiving recycled water from CVWD are using recycled water for golf course and landscape irrigation only.</p> <p>The RWQCB general order is specific to and appropriate for golf course and landscape irrigation for the use of recycled water. It considers a golf course's irrigation needs as a business and sets the requirements to be met by that industry. The user is responsible for their use of recycled water, which is the source of irrigation water for the turf grass. The stability, aesthetics, and growth of turf grass on a golf course are the keys to the golf course's success as a business. CVWD believes the best way to support and encourage recycled water use is to avoid duplicative and excessive administration that interferes with the business of a golf course.</p> <p>Golf course Superintendents have college degrees for turf grass management and obtain continuing education units and attend seminars and classes for proper turf grass maintenance, in order to obtain and keep a job at a successful golf course. CVWD does not feel that it is appropriate to interfere with the operation and success of a business, as would be required in the proposed Order, by adding excessive administrative requirements that do not act to improve water quality. The RWQCB general order allows the user to remain</p>	While the proposed Order is not tailored to golf course irrigation needs and instead generally address irrigation practice in a manner that is protective of water quality and public health, it requires program Administrators to list such best management practices stated in the comment to exhibit compliance with the Order. In reviewing the current permitting documentation, Regional Water Board Executive Officer may consider maintaining existing Monitoring and Reporting Plan in addition to what is required by the Recycled Water Policy. Staff acknowledges Coachella Valley Water District's concern and is willing to work with Colorado River Basin RWQCB staff, Coachella Valley Water District, and individual reuse sites to work through a feasible and efficient transition process.

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				accountable for the use of recycled water within their reuse area.	
19	Coachella Valley Water District	Finding 34	16	Proposed Finding 34 Increases Monitoring and Reporting without Improving Water Quality. Eliminating the RWQCB general order for recycled water use will significantly increase monitoring and reporting activities for administrative functions that do not benefit water quality. For example, the large recycled water use systems used in the Coachella Valley mostly depend on pond systems that are well maintained and have automated water level controls so the increased monitoring frequency and expanded list of monitored parameters adds administrative burden with no corresponding benefit. These local pond systems have not impaired any state waters or been the source of any adverse public health effects. Provisions in the existing RWQCB general order already provide sufficient management and controls that have served to protect public health and the beneficial use of local water supplies.	Attachment B of the proposed Order provides a template of monitoring requirements to assist Regional Water Board staff. This report may be customized to fit individual programs. For example, programs that do not include dual plumbed recycled water system will not be required to perform any cross connection testing. In reviewing the current permitting documentation, Regional Water Board Executive Officer may consider maintaining existing Monitoring and Reporting Plan in addition to what is required by the Recycled Water Policy. Staff acknowledges Coachella Valley Water District's concern and is willing to work with Colorado River Basin RWQCB staff, Coachella Valley Water District, and individual reuse sites to work through a feasible and efficient transition process.
20	Coachella Valley Water District	Finding 34	17	Proposed Finding 34 Could Delay or Stop Beneficial Recycled Water Use. Some Coachella Valley reuse sites were receiving recycled water long before any Title 22 Engineering Reports were required. The proposed Order is vague enough that some may interpret the requirements to require engineering reports for existing reuse areas where plans and specifications of systems installed decades ago may be cost prohibitive to produce. The impact of shutting down even one recycled water use project with a successful history of reuse would result in significant stranded assets for this user and send a discouraging message to potential future users who already fear the uncertainty that comes with any state regulatory program. The difficult job of getting large groundwater pumpers to invest in the infrastructure and manpower to switch to recycled water would become much harder.	The purpose of the proposed Order is to streamline permitting recycled water projects and provide relief to individual recycled water users through management of a recycled water program administrator. Coachella Valley reuse sites, instead of obtaining its own individual coverages under the Order, can obtain a permit from a local program administrator. Staff acknowledges Coachella Valley Water District's concern and is willing to work with Colorado River Basin RWQCB staff, Coachella Valley Water District, and individual reuse sites to work through a feasible and efficient transition process.
21	Clean Water Now	Finding 34	15	First, we wish to add our unequivocal voice of support to the submission dated February 22, 2016 by the General Manager of our local wastewater JPA, the South Orange County Wastewater Authority (SOCWA). We share many of SOCWA's reservations and concerns.	Thank you for your comment. Staff acknowledges Clean Water Now's support for SOCWA's comment letter. Please see responses provided to SOCWA comment letter.
22	Clean Water Now	General Comment	N/A	After reviewing some of the other comments to the DRAFT under consideration (Order WQ 2016-00XX-DDW), CWN is concerned the water industry is typified as the culprit. It shouldn't be held ultimately responsible for customer's (Users) carelessness, increasing pollutant loading due to migration dynamics (low flow runoff to MS4 Systems). This includes Title 22 landscape irrigation issues, the subject of this DRAFT. Modifying User activities is a task mandated for MS4 entities. The 4 years of avoidance by the MS4 Copermittees constitutes nearly an entire 5-year cycle as originally mandated. By now, after 20 years subsequent to the R9-96-03, the SOC Copermittees should already BE in compliance with the CWA/Porter-Cologne and latest MS4 Permit	This comment is outside the scope of the additional comment period. Staff acknowledges this comment and would like to emphasize that the Order explicitly prohibits runoffs from use areas and discharges to surface waters.
23	Clean Water Now	General Comment	N/A	CWN feels that the various divisions within the SWRCB need to address the disparities, these at times dysfunctional, disjointed and truncated aspects of the various Permits it issues. The water/san agencies are hobbled by the lack of cohesive, coherent strategy leadership by Cal/EPA, in this case initiate tactics that often put the industry at cross-purposes with the MS4 Copermittees. The water/san industry will assist with the MS4 Permit compliance if allowed the resource supply opportunities, the exploration of local sustainability that reclamation/recycled constitutes. CWN has increasing confidence that if any entity can "solve the riddle" of formerly called nuisance flows, it is the water reclamation/recycle industry.	This comment is outside the scope of the additional comment period. Staff thanks Clean Water Now for the support of streamlined permitting.

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				CWN therefore supports the noted "streamlined permitting," but would reiterate a longstanding concern: If the MS4 Copermittees aren't held to strict performance O & M compliance standards, then the potential for capture and reuse of excess surface flows or reclamation by POTWs/Water districts involves the inheritance of damaged goods.	
24	Clean Water Now	General Comment	N/A	The State needs to coordinate and then meld regulatory and jurisdictional efforts, to rectify the multiple guardian/oversight layers and streamline enforcement policies, procedures and protocols. It should clearly define/delineate roles without equivocation, removing murky, expensive, over-lapping and unnecessarily redundant monitoring requirements.	This comment is outside the scope of additional comment period. This Order recognizes the opportunity for streamlining among Board's own regulatory programs. For example, Regional Board Executive Officers may modify a Monitoring and Reporting Program for an agricultural operation to prevent duplication of monitoring and reporting activities that satisfy the requirements of both orders.
25	Sacramento Regional County Sanitation District	Finding 34	15	Clarify that existing Master Reclamation permits will not be terminated with the adoption of this General Order. Finding #34, page 15, states that the existing Regional Water Board general order or conditional waiver will be terminated three (3) years after adoption of this Order. However, this language does not specify that existing Master Reclamation permits are excluded from this finding. Lack of such clarification may cause future complications for existing Master Reclamation permit holders. When we contacted the State Board staff to seek clarification on this matter, the staff indicated that the revised Finding #34 language only applies to existing general orders and conditional waivers and that it does not apply to existing Master Reclamation permits. We request that the language in the General Order reflect this clarification.	It is the intent of the Order to not supersede coverages under existing Master Reclamation Permits or individual orders issued by Regional Water Boards.
26	Los Angeles Department of Water & Power	Finding 34	15	<p>The proposed General Order indicates that discharges covered under other existing orders may continue to operate under that authority for a period not to exceed three years from the adoption of this permit. All existing recycled water permits will be transferred to this new permit during this transition period.</p> <p>LADWP supports this change in the permit language, however, LADWP also believes there should be options for those permittees who would like to keep coverage under their existing permit. LADWP suggests the transfer of coverage to the new permit be as seamless as possible for existing users which have already submitted the necessary information for coverage under the new permit.</p>	Thank you for your comment. Staff acknowledges and appreciates the suggestions. Staff will be working with Regional Water Boards to create a smooth transition of existing enrollees to the proposed Order. Staff recognized that recreating Engineering Reports and Operation and Maintenance Plans is a significant effort. Each enrollee's permit documentation (including reports) will be reviewed to ensure compliance with the requirements of the proposed Order. The level of necessity to recreate the reports will vary. For example, programs and associated facilities that has only been recently reviewed by State Water Board Division of Drinking Water for compliance with Title 22 will more likely be able to keep its existing reports. Programs that have not been reviewed before Title 22's update in 2000 may have to be significantly revised.
27	Los Angeles Department of Water & Power	General Provision D.8	24	<p>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.</p> <p>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:</p> <p>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.</p>	This comment is outside the scope of the additional comment period. Staff prepared a response to Los Angeles Department of Water & Power's February 22, 2016, comment letter regarding this issue. Please see the Response to Public Comment document.

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28	Los Angeles Department of Water & Power	Finding 35	15	<p>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.</p> <p>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 <u>so long as this additional distribution is not in conflict with any local City Charter directing recycled water use and oversight</u>. Users of recycled water may also use the recycled water under a Water Recycling Use Permit from another Administrator.</p>	This comment is outside the scope of the additional comment period. Staff prepared a response to Los Angeles Department of Water & Power's February 22, 2016, comment letter regarding this issue. Please see the Response to Public Comment document.
29	Los Angeles Department of Water & Power	Attachment D, Recycled Water	D-4	<p>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.</p>	This comment is outside the scope of the additional comment period. Staff prepared a response to Los Angeles Department of Water & Power's February 22, 2016, comment letter regarding this issue. Please see the Response to Public Comment document.
30	Dublin San Ramon Services District	Finding 34	15	<p>DSRSD does not support incorporating Finding 34 into the General Order. As stated in the BACWA comment letter, the San Francisco Regional Water Quality Control Board (Regional Water Board) has had a well-functioning system for permitting recycled water projects. By requiring all permittees to enroll in the General Order, the Board will add to the administrative burden of many long-established water reuse programs, raising the cost of water reuse without contributing to increasing the development of recycled water resources, a goal of the Statewide Recycled Water Policy. DSRSD supports the SWRCB goal of increased recycled water use in California, as required by the Statewide Recycled Water Policy. For this reason we recommend that the SWRCB not incorporate the proposed Finding 34, which would have the effect of providing more regulatory barriers for recycled water use expansion.</p>	Staff acknowledges DSRSD's support of BACWA's comment letter. Please see responses provided to BACWA's comment letter.
31	Dublin San Ramon Services District	Finding 34	15	<p>The comment deadline should be extended and opened to other provisions in the General Order beyond Finding 34. Earlier versions of the proposed General Order did not require existing recycled water permittees to enroll under the General Order. Therefore, DSRSD did not give the proposed General Order the close review DSRSD would have, had it known that enrollment would be mandatory and impact its current program. Given that the proposed revision including Finding 34 was released on April 22nd, DSRSD and agencies in a similar position should be given more time to comment, and allowed to comment on the entire proposed General Order.</p>	<p>Earlier version of the Order stated that the Regional Water Board may exercise its authority to review existing coverages and require its existing permittee to apply for coverage under this Order.</p> <p>The comment period for the revised Finding 34 was extended by 7 additional days for a total of 21 calendar days of public comment period to provide additional time for impacted agencies to comment on this Finding.</p>
32	Dublin San Ramon Services District	Finding 34	15	<p>If Finding 34 is incorporated into the State General Order, DSRSD recommends the following changes to the General Order to reduce unnecessary burdens on permittees. Notwithstanding our objection to mandatory enrollment in the General Order, if Finding 34 is incorporated into the State General Order, DSRSD strongly urges the SWRCB to include the following three provisions that might mitigate its negative impact on permittees:</p> <ul style="list-style-type: none"> • At the expiration of the "grace period" (three years according to the current text), existing permittees shall be deemed as enrolled into the General Order. This will eliminate the administrative burden of the State General Order that would otherwise occur if ongoing programs were required to reapply for a permit, including resubmitting Engineering Reports 	<p>Thank you for your comment. Staff acknowledges and appreciates the suggestions. Staff will be working with Bay Area and Colorado Basin Regional Water Quality Control Boards to create a smooth transition of existing enrollees to the proposed Order. Staff recognized that recreating Engineering Reports and Operation and Maintenance Plans is a significant effort. Each enrollee's permit documentation (including reports) will be reviewed to ensure compliance with the requirements of the proposed Order. The level of necessity to recreate the reports will vary. For example, programs and associated facilities that has only been recently reviewed by State Water Board Division of Drinking Water for compliance with Title 22 will more likely able to keep its existing reports. Programs that have not been reviewed before Title 22's update in 2000 may have to be significantly revised.</p>

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				<p>and revising established practices in the regular submittal of self-monitoring reports that are working effectively.</p> <p>The requirement to provide new Engineering Reports and Operations and Management (O&M) Plans is in opposition to the Recycled Water Policy's intent to streamline permitting for recycled water projects. Existing permittees like us should not be required to develop new Engineering Reports and O&M Plans to obtain coverage under the proposed General Order. Under the permission and monitoring of the Regional Water Board and the Division of Drinking Water. DSRSD has established its standard operating procedures for production and delivery of recycled water; its customers have long-accepted service expectations and monitoring requirements from DSRSD. DSRSD works satisfactorily with, and provides annual reports to the Regional Water Board. Developing new Engineering Reports and O&M Plans are an unnecessary burden to DSRSD and the State.</p> <ul style="list-style-type: none"> Regional Water Quality Control Boards shall be given discretion to require or waive the priority pollutant monitoring requirements in the WRR as appropriate. As a result, unless specifically required by their respective Regional Board, permittees shall not be required to monitor for all priority pollutants when there is no reason to suspect the presence of such pollutants and no plan to utilize the accumulated data. <p>An example of the importance of this second provision is discussed in the BACWA letter. In Region 2, the Regional Water Board has only recently adopted an alternative monitoring plan that specifically reduces the routine monitoring of priority pollutants in order to transfer the savings to our Regional Monitoring Program (RMP). In March 2016, the San Francisco Bay Regional Water Board adopted Alternate Monitoring Plan R2-2016-0008.</p> <p>While the constituents monitored may have been cause for concern decades ago when they were incorporated into the California Toxics Rule, in recent years they have been detected in the Bay Area rarely and at levels lower than would pose an active threat to water quality. The concept behind the Alternate Monitoring Plan is that Publicly Owned Treatment Works (POTW) funds are much better used to support emerging contaminants research through the RMP than continuing routine monitoring of historical pollutants in effluent. The General Order undermines this effort by reinstating monitoring requirements that were just removed by R2-2016-0008. Recycled water generally has lower pollutant concentrations than wastewater effluent and should not be subject to additional monitoring requirements where Regional Water Boards determine that the data is of little value.</p>	<p>Priority pollutant monitoring at the recycled water production facility is a requirement of the Recycled Water Policy (adopted in 2009, amended in 2013). The Policy is in place and does not have any provision for discretion by each Regional Water Board in its implementation. Staff will note this concern for consideration at the Recycled Water Policy's next update.</p>
33	Dublin San Ramon Services District	Finding 29	9	<p>The primary use of tertiary treated recycled water in DSRSD's service area is for landscape irrigation. On over 300 sites in our service area, recycled water is applied by spray over turf grass and other landscaping in parks, schools, commercial campuses, and streetscapes at times when those areas are not in use by the general public. Recycled water has also replaced potable water use for surface washing and dust control, where recycled water application is by spray.</p> <p>This requirement is not possible to achieve while also encouraging recycled water use for non-potable purposes. DSRSD recommends the following language to clarify this finding: "Application of recycled water is controlled to minimize airborne spray when the general public is present in recycled water use areas."</p>	<p>This comment is outside the scope of the additional comment period. Staff acknowledges this suggestion. 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.</p>

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34	City of San Diego	Finding 34	15	<p>The prior order allowed a discharger to make an election regarding their permit coverage. The initial proposed General Order allowed the San Diego Regional Water Resources Control Board (Regional Board) to make this decision which was problematic, as written, because it allowed the State Water Resources Control Board (State Board) or Regional Board to request changes in a permittee's program with no triggering event. The Revised General Order clarifies the State Board's intent to require termination of all current regional orders within three years and to make enrollment under the Revised General Order obligatory for those permittees.</p> <p>The City appreciates the State Board's need for streamlined permitting and consistent regulations. However, regulation of recycled water use should be implemented at the Regional level because each Region has unique characteristics and challenges that cannot be accounted for in a statewide order. A "one size fits all" approach is inappropriate when considering the differences in groundwater recharge basins, agronomic rates, and municipality efforts across the state. The City of San Diego enjoys a very positive and effective working relationship with the Regional Board, and looks forward to continuing that relationship going forward.</p> <p>In addition, the City's most recent order permitting recycled water use was adopted in December 2015. The City is currently implementing the new requirements under this Order and should not be expected to enroll under a new order for a minimum of five years from the effective date of the City's current recycled water permit, as issued by the Regional Board. Three years is insufficient time to completely revamp the City's current program, which is in the process of being implemented, to accommodate new permit requirements. Additional City resources would be required to accommodate both programs in the time allotted, which will amount to an unfortunate waste of tax and/or ratepayer dollars.</p> <p>Again, 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 or whether enrollment under the General Order is appropriate.</p>	<p>Earlier version of the Order stated that the Regional Water Board may exercise its authority to review existing coverages and require its existing permittee to apply for coverage under this Order.</p> <p>Consistent with the purpose of the Recycled Water Policy, the State Water Board's intention in the issuance of this statewide order is to provide consistent regulation of non-potable uses of recycled water statewide while allowing the Regional Water Boards to focus their limited resources on projects that require substantial regulatory review due to unique site-specific condition. Even though the State Water Board adopts this proposed Order, the implementation will largely remain with Regional Water Boards. It is the State Water Board's intent to not negatively impact the positive and effective working relationships that Regional Water Boards have with their permittees.</p> <p>Staff acknowledges City of San Diego's concern and is willing to work with San Diego RWQCB staff, and City of San Diego to work through a feasible and efficient transition process.</p>
35	City of Palo Alto	Finding 34	15	<p>City of Palo Alto does not support incorporating Finding 34 into the General Order. As stated in BACWA's letter for more than 20 years the San Francisco Regional Water Board has regulated the City of Palo Alto's recycled water programs. The draft Water Reclamation Requirements for Recycled Water Use creates more regulatory barriers that hinder recycled water expansion.</p>	<p>Consistent with the purpose of the Recycled Water Policy, the State Water Board's intention in the issuance of this statewide order is to provide consistent regulation of non-potable uses of recycled water statewide while allowing the Regional Water Boards to focus their limited resources on projects that require substantial regulatory review due to unique site-specific condition.</p> <p>Existing Regional Water Board general orders for non-potable uses of recycled water generally pre-date the Recycled Water Policy (adopted in 2009, amended in 2013) and do not incorporate the relevant streamlined permitting criteria to be used by the Water Boards in issuing permits for recycled water projects. For example, R2-96-011 was adopted by the San Francisco Regional Water Quality Control Board (RWQCB) in 1996 for municipal non-potable uses of recycled water such as irrigation, dust control, sanitary sewer flushing, etc., and R7-97-700 was adopted by the Colorado River RWQCB in 1997 for landscape and golf course irrigations. Each order has not been reviewed or amended since its adoption (20 years and 19 years, respectively). The California Water Code section 13263 states that Regional Water Boards "upon application by any affected person, or on its own motion" may review and revise its orders. While the California Water Code does not specify the frequency of this review and revision for discharge to land (Non-15) orders, it specifies that</p>

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					"all requirements shall be reviewed periodically." Review of these orders is well overdue. The proposed order can provide coverage for a wide range of non-potable reuse projects. It is a more efficient use of Regional Water Board staff resources to replace outdated Regional Water Board general orders with the proposed order and focus the efforts on minimizing impact of the transition for the existing enrollees.
36	City of Palo Alto	Finding 34	15	<p>If Finding 34 is incorporated into the State General Order, the City of Palo Alto recommends the following changes to the General Order to reduce unnecessary burdens on permittees. The City of Palo Alto strongly urges the SWRCB to include a provision that might mitigate its negative impact on permittees. Regional Water Quality Control Boards shall be given discretion to require or waive the priority pollutant monitoring requirements in the WRR as appropriate. As a result, unless specifically required by their respective Regional Boards, permittees shall not be required to monitor for all priority pollutants when there is no reason to suspect the presence of such pollutants.</p> <p>In March 2016, Region 2, Regional Water Board adopted an alternative monitoring plan (R2-20 16- 0008) that specifically reduces the routine monitoring of priority pollutants in order to transfer the savings to our Regional Monitoring Program (RMP). While the constituents monitored by these methods may have been cause for concern decades ago when they were incorporated into the California Toxics Rule, in recent years they have been detected here rarely and at levels lower than would pose an active threat to water quality. The concept behind the Alternate Monitoring Plan is that POTW funds are much better used to support emerging contaminants research through the RMP than continuing routine monitoring of historical pollutants in effluent. The General Order undermines this effort by reinstating monitoring requirements that were just removed by R2-2016-0008. Recycled water generally has lower pollutant concentrations than wastewater effluent, and should not be subject to additional monitoring requirements where Regional Water Boards determine that the data is of little value.</p>	Priority pollutant monitoring at the recycled water production facility is a requirement of the Recycled Water Policy (adopted in 2009, amended in 2013). The Policy is in place and does not have any provision for discretion by each Regional Water Board in its implementation. Staff will note this concern for consideration at the Recycled Water Policy's next update.
37	City of Palo Alto	Finding 29	9	City of Palo Alto requests clarification for Finding 29.b.ii "Recycled water shall not create a nuisance condition specifically application of recycled water is controlled to prevent airborne spray." The City recommends that this statement be clarified that "application of recycled water is controlled to minimize airborne spray when the general public are present in the recycled water use areas."	This comment is outside the scope of the additional comment period. Staff acknowledges this suggestion. Airborne spray is not desirable because pathogens may still be present in airborne spray or mist. For protection of public health, it is reasonable to clarify the intent of this Finding to address minimizing airborne spray to minimize possibility of contact with the general public is present.
38	Bay Area Clean Water Agencies	Finding 34	15	BACWA does not support incorporating Finding 34 into the General Order. For the past twenty years in Region 2, the San Francisco Regional Water Quality Control Board (Regional Water Board) has had a well-functioning system for permitting recycled water projects. By requiring all permittees to enroll in the General Order, the Board will add to the administrative burden of many long-established Region 2 water reuse programs, raising the cost of water reuse without contributing to the overall goal of the Recycled Water Policy of increasing the development of recycled water resources. BACWA supports the SWRCB goal of increased use of recycled water in California, as required by the Statewide Recycled Water Policy. For this reason we recommend that the SWRCB not incorporate the proposed Finding 34, which would have the effect of discouraging recycled water use.	<p>Consistent with the purpose of the Recycled Water Policy, the State Water Board's intention in the issuance of this statewide order is to provide consistent regulation of non-potable uses of recycled water statewide while allowing the Regional Water Boards to focus their limited resources on projects that require substantial regulatory review due to unique site-specific condition.</p> <p>Existing Regional Water Board general orders for non-potable uses of recycled water generally pre-date the Recycled Water Policy (adopted in 2009, amended in 2013) and do not incorporate the relevant streamlined permitting criteria to be used by the Water Boards in issuing permits for recycled water projects. For example, R2-96-011 was adopted by the San Francisco Regional Water Quality Control Board (RWQCB) in 1996 for municipal non-potable uses of recycled water such as irrigation, dust control, sanitary sewer flushing, etc., and R7-97-700 was adopted by the Colorado River RWQCB in 1997 for landscape and golf course irrigations. Each order has not been reviewed or amended since its adoption (20 years and 19 years, respectively). The California Water Code section 13263 states that Regional Water Boards "upon application by any affected person, or on its own motion" may review and revise its orders. While the California Water Code does not specify the</p>

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					frequency of this review and revision for discharge to land (Non-15) orders, it specifies that "all requirements shall be reviewed periodically." Review of these orders is well overdue. The proposed order can provide coverage for a wide range of non-potable reuse projects. It is a more efficient use of Regional Water Board staff resources to replace outdated Regional Water Board general orders with the proposed order and focus the efforts on minimizing impact of the transition for the existing enrollees.
39	Bay Area Clean Water Agencies	Finding 34	15	The comment deadline should be extended, and opened to other provisions in the General Order beyond Finding 34. Earlier versions of the proposed General Order did not require existing recycled water permittees to enroll under the General Order. Therefore, many recycled water permittees did not give the proposed General Order the close review they would have had they known that enrollment would be mandatory and impact their current programs. Given that the proposed revision including Finding 34 was released on April 22nd, these agencies should be given more time to comment, and allowed to comment on the entire proposed General Order.	<p>Earlier version of the Order stated that the Regional Water Board may exercise its authority to review existing coverages and require its existing permittee to apply for coverage under this Order.</p> <p>The comment period for the revised Finding 34 was extended by 7 additional days for a total of 21 calendar days of public comment period to provide additional time for impacted agencies to comment on this Finding.</p>
40	Bay Area Clean Water Agencies	Finding 34	15	<p>If Finding 34 is incorporated into the State General Order, BACWA recommends the following changes to the General Order to reduce unnecessary burdens on permittees. Notwithstanding our objection to mandatory enrollment in the General Order, if Finding 34 is incorporated into the State General Order BACWA strongly urges the SWRCB to include two provisions that might mitigate its negative impact on permittees. Specifically, we request the addition of the following stipulations:</p> <ul style="list-style-type: none"> • At the expiration of the "grace period" (three years according to the current text), existing permittees shall be deemed as enrolled into the General Order. This will eliminate the administrative burden of State General Order that would otherwise occur if ongoing programs were required to reapply for a permit, including resubmitting Engineering Reports and revising established practices in the regular submittal of self monitoring reports that are working effectively. <p>The requirement to provide new Engineering Reports and O&M Plans is in opposition to the Recycled Water Policy's intent to streamline permitting for recycled water projects. Existing permittees should not be required to develop new Engineering Reports and Operations and Management (O&M) Plans to obtain coverage under the proposed General Order. Under the permission and monitoring of the Regional Water Board and the Division of Drinking Water, existing permittees have established standard operating procedures for production and delivery of recycled water; end users have long accepted service expectations and monitoring requirements from existing recycled water producers and distributors. Existing permittees work satisfactorily with and provide annual reports to the Regional Water Board. Developing new Engineering Reports and O&M Plans are an unnecessary burden to existing permittees and the State.</p> <ul style="list-style-type: none"> • Regional Water Quality Control Boards shall be given discretion to require or waive the priority pollutant monitoring requirements in the WRR as appropriate. As a result, unless specifically required by their respective Regional Boards, permittees shall not be required to monitor for all priority pollutants when there is no reason to suspect the presence of such pollutants and no plan to utilize the accumulated data. <p>As an example of the importance of this second provision, in Region 2 the Regional Water Board has just recently adopted an alternative monitoring plan that specifically reduces the routine monitoring of priority pollutants in order to transfer the savings to our Regional Monitoring Program (RMP). In March 2016, the San Francisco Bay Regional Water Board adopted Alternate Monitoring Plan R2-2016-0008 that allows municipal dischargers to reduce</p>	<p>Thank you for your comment. Staff acknowledges and appreciates the suggestions. Staff will be working with Bay Area and Colorado Basin Regional Water Quality Control Boards to create a smooth transition of existing enrollees to the proposed Order. Staff recognized that recreating Engineering Reports and Operation and Maintenance Plans is a significant effort. Each enrollee's permit documentation (including reports) will be reviewed to ensure compliance with the requirements of the proposed Order. The level of necessity to recreate the reports will vary. For example, programs and associated facilities that have only been recently reviewed by State Water Board Division of Drinking Water for compliance with Title 22 will more likely be able to keep its existing reports. Programs that have not been reviewed before Title 22's update in 2000 may have to be significantly revised.</p> <p>Priority pollutant monitoring at the recycled water production facility is a requirement of the Recycled Water Policy (adopted in 2009, amended in 2013). The Policy is in place and does not have any provision for discretion by each Regional Water Board in its implementation. Staff will note this concern for consideration at the Recycled Water Policy's next update.</p>

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				<p>monitoring frequencies for the following tests: EPA Method 608 (PCBs as arochlors, and chlorinated pesticides); EPA Method 624 (volatile organic compounds); EPA Method 625 (base neutral acids); EPA Method 1613 (dioxins)</p> <p>While the constituents monitored by these methods may have been cause for concern decades ago when they were incorporated into the California Toxics Rule, in recent years they have been detected here rarely and at levels lower than would pose an active threat to water quality. The concept behind the Alternate Monitoring Plan is that POTW funds are much better used to support emerging contaminants research through the RMP than continuing routine monitoring of historical pollutants in effluent. The General Order undermines this effort by reinstating monitoring requirements that were just removed by R2-2016-0008. Recycled water generally has lower pollutant concentrations than wastewater effluent, and should not be subject to additional monitoring requirements where Regional Water Boards determine that the data is of little value.</p>	