



September 11, 2017

Felicia Marcus
Chair, State Water Resources Control Boards
P.O. Box 100
Sacramento, CA 95812-1011

Subject: Comment Letter – Proposed SWA Regulations

Dear Chair Marcus:

On behalf of WaterReuse California (WRCA) and the California Association of Sanitation Agencies (CASA), we want to thank you for the opportunity to comment on the Surface Water Augmentation draft regulations.

In general, WRCA and CASA are very pleased with the draft regulations and thank the Division of Drinking Water and the members of the Expert Panel for their exceptional work in the development of these regulations over the past few years. We believe that Surface Water Augmentation projects, implemented through these regulations, have the potential to greatly expand the scope of potable reuse in California.

We are especially pleased that the draft regulations contain an alternatives clause in Section 60320.330, similar to the groundwater water regulations of June 2014. This alternatives clause will ensure public health protection and allow more projects to be permitted and constructed sooner. This clause will also offer safe permitting pathways for innovative projects that build off of the expanding knowledge base of potable reuse. Over California's 50-year potable reuse history, the understanding of public health risks and the ability to control them has evolved continuously. We would expect this to continue and the alternatives clause will allow for this adaptability.

While overall we are very pleased with the draft regulations, we believe a number of changes can be incorporated that will improve and clarify certain requirements.

Operator Certification

The statement of reason for Section 60320.22 of the draft regulations implies that operators of potable reuse facilities will be certified as wastewater operators. We ask that you consider a change to this section. The California Urban Water Agencies, with input from WRCA and others, prepared a white paper "*Potable Reuse Operator Training and Certification Framework*" recommending that advanced treatment potable reuse operators should include wastewater and/or water operators to optimize the opportunities and skill sets of available operators. Currently, AWWA and CWEA are developing an advanced water treatment certification program. We recommend that there be a provision in the surface water augmentation regulations that when this certification is complete and recognized by the Water Board, advanced water facilities can be operated by either a wastewater or water operator.

Clarify MCL Compliance

Compliance with some MCLs is not determined by a single sample but based on average or percentile results over the course of a year. Section 60320.302 (h) of the draft regulations states that samples of the effluent of the advanced treatment process shall be collected monthly. This monitoring frequency may be reduced over time. The section ends by stating, "The effluent of the advanced treatment process may not exceed an MCL." While this language is contained in the groundwater regulations and implementation has not been a problem to date, if read literally, this section appears to mean that the MCL should always be determined on a monthly basis or by a single sample. We ask that you revise this section in a way that acknowledges the different ways that compliance with MCLs is determined so that there is a bright line for compliance.

Allow Phasing Into Alternative Clause

Because agencies will be making significant investments in the construction of potable reuse facilities at full capacity, we are recommending language be included in Section 64660.30 that would allow agencies to apply for an alternative minimum detention time at the time of the permit application. The permit could then include provisions to allow for reduced detention times to be phased in over time based on demonstrated compliance with the regulations.

Modeling and Tracer Studies

Section 64668.30 (c) of the draft regulations states that the State Board can request a tracer study or hydrodynamic modeling study at any time. Rather than stating these studies must be done "whenever requested," we ask that this language be tied to a change in operation or some material change in the project.

Clarify Additional Treatment Requirements

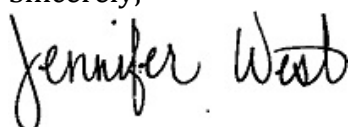
Section 64668.30 (c)(2)(A) requires that additional treatment for a reservoir receiving 10%, by volume, of recycled water must be "independent of and not reliant on the other treatment processes." We are not clear what is meant by this phrase or the intent of this section. We ask that this be clarified.

Conclusion

WRCA and CASA again appreciate the great deal of time and effort that was spent by the Drinking Water Division and Expert Panel in preparing these draft regulations. In general, we believe they are protective of public health and will provide critical regulatory certainty for the surface water augmentation projects in California. We ask that you consider the changes above, which we believe will improve these draft regulations.

Please do not hesitate to contact Jennifer West at (916) 669-8401 if you have questions regarding the WRCA comments.

Sincerely,



Jennifer West
Managing Director



Roberta L. Larson
Executive Director