



December 11, 2023

VIA EMAIL: commentletters@waterboards.ca.gov

E. Joaquin Esquivel, Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
Attention: Ms. Courtney Tyler, Clerk to the Board

RE: Comments on Revised Cross-Connections Control Policy Handbook

Dear Chair Esquivel:

Thank you for the opportunity to comment on the State Water Resources Control Board's (State Water Board) proposed *Final Draft Cross-Connection Control Policy Handbook* (CCCPH) released on November 23, 2023. WateReuse California (WRCA) represents approximately 220 local agencies and businesses that produce and deliver recycled water and potable reuse in California.

WRCA provided comments on the previous draft of the CCCPH, dated October 5, 2023. We appreciate the State Water Board's incorporation of several important recommendations into the revised proposed CCCPH. However, two critical comments were not incorporated that we are reiterating here for your further consideration:

Revise the definition of "user premises" to more clearly address Homeowners' Association-controlled areas

According to the California Homeowners Association, HOA communities are growing faster than in any other state. Roughly 14 million people now live in HOA communities in California. As such, it is imperative to set clear rules for these communities so that new HOA can continue the use of irrigating common areas with recycled water. We think the current draft remains vague and could discourage the installation of recycled water in these common areas.

Residential developments may have common areas or parkways irrigated with recycled water that are owned or controlled by an HOA and not by the owners of the individual residences. In

these cases, it may not be appropriate to delineate “user premises” by the parcel boundary. In response to our previous comment on this point, the State Water Board indicated that the user premises will be reviewed in the Hazard Assessment. However, it is not clear in Section 3.2.1 (Hazard Assessments) that review of the extent of the user premise is part of the hazard assessment and HOA considerations are not specifically addressed in the staff report. To prevent misinterpretation, we ask that the CCCPH acknowledge in the “user premises” definition that when there is a physical boundary (e.g., sidewalk, wall, etc.) between HOA-controlled common areas and parkways irrigated with recycled water and a residence, these areas should not be considered part of the same user premises as the residence receiving water only for domestic use from a PWS (and not supplied recycled water). These HOA-controlled recycled water irrigation of common areas and parkways should not be considered to pose a potential cross-connection hazard because the resident does not have access to the recycled water irrigation system in the common area and/or parkway. As a result, there is no risk of an inadvertent cross-connection.

As such, we recommend the definition of user premises be revised as follows:

“User premises’ means the property under the ownership or control of a water user and is served, or is readily capable of being served, with water via a service connection with a public water system. For privately-owned properties which have common areas irrigated with recycled water (such as parkways or recreational areas within a residential development) which are not maintained by the individual owners/residents, such areas are considered a separate user premises from the residence.”

Further clarify the references to recycled water use areas in Appendix D for consistency with Title 17

As previously stated, we appreciate the State Water Board’s revisions to footnote (++) of Appendix D, referring to all dual-plumbed systems as defined by Title 22. While this does clarify the applicability of Appendix D to dual-plumbed systems, we feel that the list of “high-hazard” premises still lacks specificity in referring to premises that utilize recycled water when compared to Title 17. Title 17, Section 7604, Table 1, identifies three degrees of hazard related to recycled water use. Items (c)(1) and (c)(3) of Title 17, Section 7604, Table 1 appear to be covered under items 12 and 11, respectively, of the CCCPH Appendix D. However, item (c)(2) of Title 17, Section 7604, Table 1 “premises where recycled water is used...and there is no interconnection with the potable water system” (commonly referred to as “dual-sourced”) is not specifically addressed in Appendix D. Additionally, premises served with only recycled water and not served by the PWS (commonly referred to as “single-sourced”), which are not identified in Title 17 as having a degree of hazard warranting backflow prevention, are not specifically excluded from Appendix D. As written, Appendix D could be misinterpreted to require both these types of sites the same protections as a dual-plumbed site. This misinterpretation and associated cross-connection control requirements would pose a significant burden on water systems and/or local public health departments and may discourage use of recycled water at

these sites. To clarify this, we recommend Appendix D be revised as follows to be consistent with Title 17:

"11. Dual-sourced recycled water premises (++)(~~+++~~)

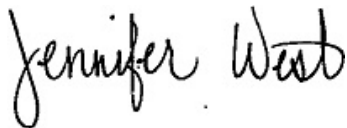
1X. [move footnote into list and renumber list as appropriate] (~~++~~) Dual-plumbed use areas established per CCR Title 22, Section 60313 through 60316 (~~+++~~)

(++) Premises where both recycled water and potable water is used but there is no interconnection with the PWS, and that do not meet the definition of a dual-plumbed system per Title 22 Section 60301.250. Premises where only recycled water is supplied and there is no potable water connection would not be considered a high hazard premises.

(~~+++~~) Residences using recycled water for landscape irrigation as part of an approved dual plumbed use area established pursuant to CCR Title 22, sections 60313 through 60316 shall use, at a minimum, a DC..."

Thank you again for your consideration of these comments. If you have any questions, please contact me at jwest@watereuse.org or at (916) 496-1470.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer West".

Jennifer West
Managing Director
WateReuse California