**BACWA talking points for State Water Board hearing for the State General Order on Recycled Water**

**June 7, 2016**

*The General Order was adopted on 6/7/16. The outcomes for each talking point below are in italics.*

1. BACWA is opposed to Finding 34 because mandatory enrollment of Regional permittees into the State General Order creates new administrative burdens and does not increase the use of recycled Water

*The State Water Board considered three options with respect to Finding 34, which are listed on the attached sheet. They chose option 2, where Finding 34 was adopted as written in the April 22, 2016 version of the General Order. All Regional permittees will be required to enroll in the General Order within three years. Individual permittees will not be required to enroll, although the State Water Board stated its intent to require their enrollment in the next permit reopener.*

1. If Finding 34 is incorporated into the WRR, the entire order should be reopened for public comment. 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.

*The State Water Board will not reopen the permit for comments at this time.*

1. To mitigate the administrative burden associated with transitioning several dozen enrollees, permittees should be deemed as enrolled at the end of the three year period.

*Regional Water Boards will need to review Engineering Reports for existing Regional permittees to determine which ones meet the requirements described in the State General Order. (See Response to Comments at* [*http://www.waterboards.ca.gov/drinking\_water/certlic/drinkingwater/documents/recycled\_water/rtc\_addtl\_closed\_051316.pdf*](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/recycled_water/rtc_addtl_closed_051316.pdf)*) Agencies with Engineering Reports that do not meet the requirements will need to update them. BACWA will approach the Regional Water Board about its plans to enroll Regional permittees.*

1. Regional Water Quality Control Boards should be given discretion to require or waive the priority pollutant monitoring requirements in the WRR as appropriate. Region 2 just recently adopted an Alternate Monitoring Plan that allows agencies to reduce the routine monitoring of priority pollutants in order to transfer the savings to our Regional Monitoring Program. 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 WRR’s requirement that priority pollutants be monitored regardless of the agency’s historical data or local conditions undermines both the Alternate Monitoring Plan as well as the State Water Board’s Resource Alignment Effort.

*The State Water Board did not change the monitoring requirements because their intent is to make the General Order consistent with the State Recycled Water Policy, which contains the monitoring requirements. However, the State Water Board plans to reopen the State Recycled Water Policy and adopt revisions in the next 12 to 18 months, and both Board members and Staff agreed that reducing priority pollutant monitoring is a goal for the reopener. This effort will begin in Summer 2016, and will include outreach to Stakeholders. The intent is to then reopen the General Order once the Policy is revised, and before the three-year deadline for enrolling Regional Permittees, so that the monitoring requirements will not impact this group.*

1. Since most landscape irrigation is done by spray, the WRR’s requirement in Finding 29.h.ii to prevent airborne spray is infeasible. Instead, we recommend that the language be changed that airborne spray should be minimized when the general public are present in the recycled water use area.

*The language in the General Order will be changed so that it will be consistent with Title 22.*

**Specific changes made to the General Order prior to adoption:**

* pg 9 Finding 29.b.ii regarding airborne spray – replace with exact wording from Title 22: “Spray, mist, or runoff shall not enter dwellings, designated outdoor eating areas, or food handling facilities”
* pg 20 B.1.f regarding WDRs/NPDES permits – add clause “to the extent that the WDR/NPDES permits address recycled water.
* pg. 24 D.2 regarding anti-degradation – add clause at end of first sentence “in a manner inconsistent with Findings 27-32.”
* pg. 25 D.8 regarding only SWB ED making future revisions to the MRP – Strike “and any future revisions” from first sentence and “Regional Water Board’s Executive Officer, or” from last sentence.
* Attachment D p. D-3 regarding incidental runoff – Add complete verbatim definition from the Recycled Water Policy, i.e. “water leaving an incidental use area”.

**Felicia Marcus asked for three things from staff.**

* Report back on inspections/enforcement of RW use sites regarding incidental runoff
* Report back on status of current efforts on CECs
* Draft Resolution in August on scope of recommended revisions to the Recycled Water Policy (including public outreach).