

**For review at the Regulation 84 Stakeholder Meeting, May 21, 2019**

**DEFINITIONS**

Agricultural Irrigation User means **legally responsible entities or person(s) that** use reclaimed water for the purpose of agricultural irrigation.

Commercially Processed Edible Crops means **edible crops that are considered “covered produce” under the Food Safety Modernization Act, Produce Safety Rule, 21 CFR 112.4.**

Covered Produce means **crops that are commercially processed edible crops grown at a location over the minimum monetary value for Very Small Business, Small Business or All Other Businesses as defined in the Food Safety Modernization Act, Produce Safety Rule, 21 CFR 112.1.**

Edible Hemp means **industrial hemp seeds, oils, flowers and other hemp materials used to make edible products, dermal products, and internal use products for human and animal consumption.**

Management User means **the legally responsible entity that manages a Resident-Controlled Non-commercially Processed Edible Crops site that is responsible for educating residents, and, to the maximum extent practicable, ensuring that residents attain and maintain compliance with Regulation 84. The Management User has legal ability (regulation, ordinance, contract, or other acceptable mechanism) to have reclaimed water service terminated to a resident if the resident fails to comply with Regulation 84.**

Non-edible Hemp means **hemp that is used for cover crop, fiber and other products that are not for human consumption.**

Resident-Controlled Non-commercially Processed Crop irrigation means **irrigation of vegetables, fruits and other edible crops located on the property dedicated to a single residential property (e.g. the garden for a single residence such as a house, row home or duplex).**

Site means **any location using reclaimed water per the approved Uses under Table 84.9 and is subject to the Additional Conditions Required 84.9(A).**

Treater means a person who treats reclaimed water using a centralized reclaimed water treatment system or localized reclaimed water treatment system and provides reclaimed water to a user for the purpose of uses identified in section 84.9. A treater may also be a user; **or an inspector that works for a Treater.**

Visitor means **anyone visiting a site where reclaimed water is used and approved under Table 84.9.**

**84.9 AUTHORIZED RECLAIMED WATER USES**

Table A: Approved Uses of Reclaimed Water

Approved Uses	Category 1	Category 2	Category 3	Additional Conditions Required 84.9(A)
INDUSTRIAL				
Evaporative Industrial Processes	Allowed	Allowed	Allowed	1, <b><u>33</u></b>
Washwater Applications	Not Allowed	Allowed	Allowed	2,3,7, <b><u>33</u></b>

Non-Discharging Construction and Road Maintenance	Allowed	Allowed	Allowed	3,7, <u>33</u>
Non-Evaporative Industrial Processes	Allowed	Allowed	Allowed	7, <u>33</u>
LANDSCAPE IRRIGATION				
Restricted Access	Allowed	Allowed	Allowed	
Unrestricted Access	Not Allowed	Allowed	Allowed	3,4, <u>33</u>
Resident-Controlled	Not Allowed	Not Allowed	Allowed	3,4,5, <u>33</u>
COMMERCIAL				
Zoo Operations	Allowed	Allowed	Allowed	<u>33</u>
Commercial Laundries	Not Allowed	Allowed	Allowed	7, <u>33</u>
Automated Vehicle Washing	Not Allowed	Allowed	Allowed	3,8, <u>33</u>
Manual Non-Public Vehicle Washing	Not Allowed	Allowed	Allowed	3,8, <u>33</u>
FIRE PROTECTION				
Nonresidential Fire Protection	Not Allowed	Allowed	Allowed	6, <u>33</u>
Residential Fire Protection	Not Allowed	Not Allowed	Allowed	6, <u>33</u>
AGRICULTURAL IRRIGATION				
Non-Edible-Crop Irrigation and Silviculture	Allowed	Allowed	Allowed	3, <u>33</u>
<u>Commercially Processed Edible Crop Irrigation</u>	<u>Not Allowed</u>	<u>Allowed</u>	<u>Allowed</u>	<u>13, 15, 17, 18, 22, 23, 24, 27, 31, 32, 33</u>
<u>Resident-Controlled Non-commercially processed crops sites</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Allowed (Category 3 Plus)</u>	<u>13, 15, 17, 18, 22, 24, 25, 26, 27, 28, 29, 30, 33</u>
<u>Non-commercially Processed Edible Crop Irrigation</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Allowed (Category 3 Plus)</u>	<u>13, 15, 17, 18, 19, 20, 21, 22, 24, 27, 33, 34, 35</u>
<u>Non-Edible Hemp Irrigation</u>	<u>Allowed</u>	<u>Allowed</u>	<u>Allowed</u>	<u>13, 14, 15, 16, 17, 18, 22, 23, 24, 27, 32, 33</u>
<u>Edible Hemp Irrigation</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Allowed (Category 3 Plus)</u>	<u>13, 14, 15, 16, 17, 18, 22, 23, 24, 27, 32, 33</u>
<u>TOILET AND URINAL FLUSHING</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Allowed (Category 3 Plus)</u>	

- (A) Additional Conditions Required. In addition to the conditions for use of reclaimed water listed in section 84.9, the Division will include the following best management practices in the NOA for the associated uses listed in Table A:
- (1) If there is a significant likelihood for aerosols to drift to public or worker areas, adequate signage is required. Supplemental disinfection and disinfectant residual and/or public access restrictions are required.
  - (2) Washing activities must be contained (e.g., flow to lined pit or approved concrete washout area, or within enclosed equipment), as to prevent any off-site runoff or discharge to ground water. Workers shall be trained on the proper use and washing procedures when using reclaimed water.
  - (3) Application rates or other measures shall be employed to minimize ponding or runoff from the area approved for application or use and prevent irrigation in excess of agronomic rate..
  - (4) No reclaimed water piping shall be extended to or supported from any residential structure and there shall be no accessible above grade outlets from the reclaimed water system at any residential structure. At least one exterior hose bib, supplied with potable water, shall be labeled and provided at each residential structure.
  - (5) The treater shall develop and implement a public education program to inform residents, workers, plumbing contractors and inspectors who deal with the resident-controlled landscape irrigation systems, or toilet and urinal flushing systems about the need to: a) strictly prohibit cross-connections between the reclaimed water and potable water systems; b) clearly and distinctively identify the potable service lines and plumbing from the reclaimed water service lines and plumbing; and c) avoid contact with and strictly minimize ponding or runoff of the reclaimed water. The treater shall implement a cross-connection inspection program and shall have the authority to discontinue reclaimed water service to any resident or worker who flagrantly or repeatedly misuses reclaimed water in a manner inconsistent with this regulation. The treater shall maintain a map indicating all areas where reclaimed water is provided for resident-controlled landscape irrigation, or toilet and urinal flushing.
  - (6) The user shall develop and implement a program, including notices in fire department newsletters and fire department preplans, to educate the public and firefighters that reclaimed water is used for fire protection. The user shall develop a program to educate plumbing and fire protection system contractors and inspectors expected to access the fire protection system about the need to confirm that cross-connections between the reclaimed water and potable water systems do not exist and about the requirement to clearly identify the potable and reclaimed water systems throughout the building. All personnel authorized to use the reclaimed water for fire protection shall be educated to avoid contact with and strictly minimize ponding or runoff of the reclaimed water during non-emergency testing or training. An annual cross-connection inspection shall be made at each structure to which reclaimed water piping is extended for fire protection to ensure that no cross-connection exists. The treater shall maintain a map indicating the location of all fire hydrants, sprinkler systems and standpipe systems provided with reclaimed water.
  - (7) Where there is the reasonable potential for worker or public exposure to aerosols generated in the use, users of Category 1 Reclaimed Water (if allowed for the use per Table A) or Category 2 Reclaimed Water shall employ measures to prevent the frequent exposure of workers and the public to aerosols generated in the use of reclaimed water. Measures shall include at least one of the following: minimum setback distance of 100 feet between the nearest source of aerosol generation and areas where workers or the public are normally present; physical barriers between aerosol sources and humans; personal protective equipment to prevent aerosol inhalation; functionally equivalent measures approved by a qualified individual (e.g., a

- certified industrial hygienist); or other means approved by the Division. Given the higher level of treatment provided for Category 3 Reclaimed Water, additional measures to address exposure of workers or the public to aerosols are not required.
- (8) Where there is the potential for worker or public exposure to aerosols generated in the use, users of Category 2 Reclaimed Water shall employ measures to prevent the inhalation of aerosols from reclaimed water by workers and the public. Measures shall include at least one of the following: personal protective equipment documented to prevent aerosol inhalation; or functionally equivalent measures approved by a qualified individual (e.g., a certified industrial hygienist) and documented to prevent aerosol inhalation.
- (9) Reclaimed water may be used for indoor uses provided that the user adopts and follows best management practices (BMPs) to minimize growth of and worker exposure to *Legionella* and other premise plumbing opportunistic pathogens. BMPs shall be specified in a site-specific operation and maintenance plan as described in section 84.11(C), and shall include at least one of the following:
- (a) Maintenance of a minimum 0.2 mg/L of free chlorine disinfectant or 0.5 mg/L of monochloramine residual if ammonia is present in premise plumbing. The disinfection residual shall be measured at a location at a distance of no greater than 50 feet from the location of use at the distal end or a location that represents the oldest water age within the reclaimed water premise plumbing system. This may require chlorine “boosting” at the point that reclaimed water enters a structure. The monitoring frequency will be no less frequent than once (grab samples) per week. If the disinfectant residual is not in compliance with this requirement, the system must perform operations and maintenance and return all premise plumbing to a minimum 0.2 mg/L disinfection residual for free chlorine or 0.5 mg/L disinfection residual for monochloramine within 24 hours. Exact monitoring locations, and other compliance terms, will be identified in the site-specific operation and maintenance plan submitted as part of the user plan to comply. The system must maintain records of all sampling, locations, and corrective operations for review by the treater or Division upon request.
- (b) An alternative disinfection method as approved by the Division with equivalent protection against premise plumbing pathogens as set forth in section 84.9(A)(9)(a) above. The effectiveness of an alternative disinfection method may be verified by monitoring. The monitoring plan and any requirements for implementation of any Division approved alternative disinfection method must be included in the user plan to comply and the NOA.
- (c) Where reclaimed water is used for indoor nonpotable uses within a building where plumbing fixtures are accessible by the general public, a monitoring location for disinfection residual at a distance no greater than 50 feet from the location of use at the distal end or a location that represents the oldest water age within the reclaimed water premise plumbing system may be used as an alternate point of compliance for disinfection residual.
- (10) To minimize risk of unintended cross connections, plumbing modifications and repairs shall only be conducted by licensed plumbers. Signage shall indicate that plumbing modifications can only be done by authorized personnel. Signage shall be located where plumbing is accessible.
- (11) Users receiving reclaimed water for use within an occupied premise, must include a backup potable water connection capable of supplying potable water to fixtures for flushing via an air gap should the localized reclaimed water treatment system fail or the reclaimed water is found to be non-compliant or insufficient in volume.

- (12) Users may use reclaimed water for toilet and urinal flushing in multifamily residential structures and in nonresidential structures, only if the toilet and urinal installations are conducted in accordance with article 58 of title 12 [concerning plumbers] and rules promulgated pursuant to that article. Any toilet or urinal installation must conform to article 58 of title 12 and rules promulgated pursuant to that article.
- (13) Employees, contractors, non-commercially processed edible crops site managers, management users and non-commercially processed edible crops cultivators, edible and non-edible hemp users and applicable school teachers and guardians using reclaimed water or coming into contact with irrigated crops or soils must receive training regarding reclaimed water and safety protocols. At minimum, training should inform about best management practices, that non-potable is being used, that no one should not drink the water pr eat produce prior to washing hands and produce. Annual trainings are required for all individuals using reclaimed water, and records of training dates and individuals that have been trained must be kept on site for Division and/or Treater review. Trainings can be done in person or online (with subsequent quizzes) by the Treater, Site Manager and/or Management User. Additional training may be required by the Division per the NOA. Training provided must be adequate to result in individuals being knowledgeable of the requirements and capable of implementation when they are responsible for implementing BMPs required by the User Plan to Comply and the User NOA.
- (14) Public access shall only be allowed while irrigation is not occurring, and fencing with locked gates shall be provided to minimize access that does not meet the requirements of this part of the regulation. Education shall include an active confirmation by the visitor that the information is understood and cannot rely solely on passive signage or literature provided to visitors.
- (15) On a quarterly basis, treaters must monitor for TDS, submit the results to the Division as Discharge Monitoring Reports, and email the results to all edible crop irrigation users.
- (16) If requested by a user, treaters must provide to its users reclaimed water monitoring data that is less than 12 months old for nickel, arsenic, lead, cadmium and/or mercury concentrations. Monitoring shall be conducted at the Point of Compliance or, if the discharge is of substantially the same quality as the effluent discharged to state waters under a CDPS permit, the point of compliance for that CDPS permit. Data will be provided within 60 days of a request. If the treater does provide this data to users, it will also provide it to the Division through its Annual Report.
- (17) Signage must be placed in multiple areas of the non-commercially processed edible crop, commercially processed edible crop and hemp sites indicating that non-potable water is being used to irrigate crops. One 8.5 x 11" sign should be placed at the entrance of the site that states at minimum, "Reclaimed Water" and "Do Not Drink" along with a graphic that indicates that the water is not for drinking. For sites that are five acres are larger, signs with the same verbiage should be placed at minimum 400 feet apart throughout the site. For sites that are under five acres, signs should be placed throughout the site with the same verbiage no greater than 50 feet apart. All irrigation equipment must be labeled as non-potable water and clearly distinguished as non-potable water (e.g. purple in color and/or indicated in a language that is understandable for the User, Treater, Site Manager and Management User). Signage should also mandate hand washing with potable water after coming into contact with irrigated crops or soils and/or irrigation of crops, and should indicate that produce should be washed with potable water after harvest.
- (18) Potable water supplies and soap must be readily available for employees, visitors and cultivators to wash their hands. If a school, park or other facility is within a reasonable distance from potable sinks that employees, visitors and cultivators have access to at all

- times, this is sufficient. If not, a portable hand washing station located at the facility is required to supply potable water. Wastewater from portable hand washing stations must be disposed of in an area whereby it will not come into contact with crops, soils or infiltrate into soils near crops. The disposal must not create an unpermitted point source discharge to a water of the state. The site manager is responsible for ensuring that the portable hand washing station contains potable water for hygiene.
- (19) Hose bibs that supply reclaimed water for irrigation must be locked to prevent the supply of water when not in use, and when an individual trained in accordance with 13 is not present at the site.
- (20) Children that are less than ten years old (or fourth grade or below) may not be present on the site when the hose bib is unlocked or the hose is available for use in any way. No watering may take place if children less than ten years old (or fourth grade or below) are present on the site. The division may grant a site-specific NOA from this BMP at a site upon findings that: the site's User and Treater have fully complied with this Regulation and the applicable NOAs for at least two years at the site and monitoring demonstrates that reclaimed water on-site meets an E. coli standard of 126/100mL. Monitoring shall occur every other month for the second year resulting in a total of 6 samples.
- (21) Community garden sites where students attending any public or private school interact with the site require a minimum of a 1:10 guardian to student ratio. Students and legal guardians shall be notified in advance that reclaimed water is being used to irrigate. Records should be kept on an annual basis that legal guardians have been educated that reclaimed water is being used at the school site, and a signature that acknowledges the understanding that reclaimed water is non-potable must be kept on site for each guardian.
- (22) A manual or display must be onsite at all times that describe what reclaimed water is, and the BMPs required by the User Plan to Comply and the User NOA, and for irrigation practices to prevent irrigation in excess of the agronomic rate and to minimize ponding or runoff of reclaimed water. This must be accessible to all visitors, employees and site Users.
- (23) Harvesting crops during irrigation events is prohibited.
- (24) Irrigation of sprouts is prohibited where the sprout is the edible crop, including but not limited to bean sprouts and alfalfa sprouts; and hemp clones.
- (25) If the site is irrigated with an automatic irrigation system, the non-commercially processed crop site must be on a separate irrigation zone when using reclaimed water.
- (26) A potable water supply spigot must be available on the exterior of the residence.
- (27) Leaks in the irrigation system and/or hoses must be fixed immediately.
- (28) A Management User is required. Responsibilities and authority for Management Users are listed in 84.X.
- (29) All property owners and renters must be provided with an educational manual and verbally educated by the Management User as described below prior to a new resident using reclaimed water. The education must include:
- (a) That reclaimed water is non-potable;
  - (b) Methods to use reclaimed water safely, and the required best management practices per the User Plan to Comply and the NOA;
  - (c) Agonomic rate requirements and that ponding and runoff are a violation of this regulation.

Following the provision of the manual and verbal education, the property owner or renter must sign a document acknowledging that the education was received. The Management User must keep these signed documents in an accessible location.

If the property is rented or sold at a later date, the new occupants must be also be provided with this verbal education and manual, and sign the acknowledgement document prior to occupying the property. The site manager must also retain these documents in the same location. The Division may request this information at any point in time.

- (30) All harvesting has to be for the personal use for the person doing the harvesting.
- (31) Commercially Processed Edible Crops must comply with any applicable requirements of the Food Safety Modernization Act, Produce Safety Rule, 21 C.F.R. Part 112 as implemented by the State of Colorado. Compliance information with the Produce Safety Rule must be described in the Regulation 84 Annual Report provided by the Treater.
- (32) Flood and sheet irrigation are prohibited.
- (33) The Treater and the User shall furnish to the Division, within sixty days, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing the NOA, or to determine compliance with this regulation or the applicable NOA.
- (34) Users shall allow the division or its authorized representative to conduct inspection of the site without prior notification, including allowing access to area where irrigation is occurring in a reasonable manner and at a reasonable time and to interview any person present at the site to assess compliance with this regulation and the NOA. The division will provide the User with the credentials for any inspector that may conduct such inspections, as required by CRS 25-8-306, at a date prior to conducting any inspections.
- (35) If E. coli or turbidity exceeds the required standards in Regulation 84, the Treater must notify the Legally Responsible Entity and the Legal Responsible Entity must notify all Site Managers.

84.10 TREATER, SITE MANAGER AND MANAGEMENT USER RESPONSIBILITIES FOR NON-COMMERCIALY PROCESSED EDIBLE CROPS, RESIDENT-CONTROLLED NON-COMMERCIALY PROCESSED EDIBLE CROPS AND EDIBLE AND NON-EDIBLE HEMP.

(A) TREATER AND SITE MANAGER RESPONSIBILITIES FOR NON-COMMERCIALY PROCESSED EDIBLE CROPS

(1) Treater Responsibilities

(a) General Responsibilities

- (i) Ensure an accurate User Plan to Comply is onsite.
- (ii) Maintain accurate records of all current Users.
- (iii) Implement appropriate procedures and actions to minimize the occurrence of, and obtain compliance with, the requirements of the user NOA and UPC. Implement sanctions for recalcitrant violators that includes, but are not limited to, terminating service of reclaimed water to the site if necessary to stop violations until corrective actions are completed.

## (b) Inspections

- (i) Pre-Irrigation Inspection: Conduct one inspection prior to the first use of reclaimed water at a site each calendar year.
- (ii) Irrigation Season Inspection: Conduct a second inspection during the period when irrigation is occurring each year and at least 30 days from the initial inspection (unless irrigation only occurs for 45 days).
- (iii) The inspections must be completed with a Site Manager or User representative on site and include an interview with the site manager.
- (iv) Inspections must assess and document if all BMPs are being implemented, or are in place and ready to implement for the pre-irrigation inspection, as required by the User Plan to Comply and the User NOA, to prevent irrigation in excess of the agronomic rate, and to minimize ponding or runoff of reclaimed water.
- (v) Ensure the signage required by this regulation is intact at the appropriate locations and distances, is legible and presented in an understandable format to inform Users and Visitors that reclaimed water is being used and is not for drinking.
- (vi) If a site is in non-compliance, unless the non-compliance issue(s) are corrected during the inspection, reinspect the site once the correction(s) are made and document and keep record(s) of the corrective actions. Treater are required to inform and communicate with the User about compliance plans and corrective actions. If hoses are being used, the Treater, Site Manager and/or the Division reserve the right to lock the hose bibs until corrective actions are complete.

- (2) Site Manager Responsibilities. The user shall ensure that a site manager is designated that meets the following requirements:

### (a) General Responsibilities

- (i) Ensure an accurate User Plan to Comply is onsite.
- (ii) Maintain accurate records of all current Users.
- (iii) Ensure site users are educated about reclaimed water per education requirements in Regulation 84.
- (iv) Ensure best management practices and requirements are implemented, and ready to implement for the pre-irrigation inspection, as required by the User Plan to Comply and the User NOA for all best management practices including prevention of excess irrigation of the agronomic rate, and to minimize ponding and runoff of reclaimed water.
- (v) Maintain accurate User Plan to Comply onsite, and submit modifications to the Treater to subsequently send to the Division to modify NOAs.
- (vi) Implement appropriate procedures and actions to minimize the occurrence of, and obtain compliance with, the requirements of the user NOA and UPC.

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Implement sanctions for recalcitrant violators that includes, but are limited to, terminating service of reclaimed water to the site if stop violations.

(b) Inspections

- (i) An inspection is required prior to the first use of reclaimed water at a site each calendar year.
- (ii) Routine inspections are required every 14 days and at least 5 days from the previous inspection. Inspections must include and document that all Best Management Practices and conditions in the User Plan to Comply and NOA are being met and available for the Division and/or Treater to review.
- (iii) Ensure the signage required by this regulation is intact at the appropriate locations and distances, is legible and presented in an understandable format to inform Users and Visitors that reclaimed water is being used and is not for drinking.
- (iv) Ensure hand washing station is adequately full, and wastewater is disposed of properly and away from produce and soils where produce is being cultivated.

**(B) TREATER AND MANAGEMENT USER RESPONSIBILITIES FOR RESIDENT-CONTROLLED SITES IRRIGATED WITH RECLAIMED WATER FOR NON-COMMERCIALY PROCESSED EDIBLE CROPS**

**(1) Treater Responsibilities. The Treater’s Reuse System Management Plan shall address, and the Treater shall meet the following requirements that are in addition to those included in 84.6(A)(4):**

**(a) General Responsibilities**

- (i) Maintains accurate records of all current Users.**
- (ii) Ensure Management User is highly knowledgeable about Regulation 84 on an annual basis.**
- (iii) The NOA will include requirements for information required in the Annual report.**
- (iv) The Treater or the Management User is responsible for monitoring water flow in gallons at minimum on a monthly basis at each residence to ensure agronomic rate is not exceeded. The User Plan to Comply shall indicate whether the monitoring responsibility belongs to the Treater or the Management User. The User Plan to Comply will identify the process and response for evaluating water flows at least monthly versus the agronomic need, and to respond to address potential over watering.**
- (v) The agronomic rate analysis required per the User Plan to Comply must be based on the plant type with a combination of water demand and nitrogen demand most likely to require irrigation above the agronomic rate, given the plants reasonably expected to be present. The division will not issue an NOA if this analysis demonstrates that given the nitrogen concentrations in the reclaimed water, that there is a reasonable potential that with the**

quality of irrigation water needed, the agronomic rate will be exceeded.

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(vi) Implement appropriate procedures and actions to minimize the occurrence of, and obtain compliance with, the requirements of the user NOA and UPC. Implement sanctions for recalcitrant violators includes, but are not limited to, terminating service of reclaimed the site if necessary to stop violations.

(vii) During inspections by the Division, violations will be issued to the Management User and/or Legally Responsible Entity or Person listed in the NOA.

(b) Inspection Responsibilities

(i) During the irrigation season, conduct inspections on 20% of the sites with the Management User to ensure the requirements in Regulation 84 are being met.

(ii) Inspections must assess and document if all BMPs are being implemented as required by the User Plan to Comply and the User NOA, to prevent irrigation in excess of the agronomic rate, and to minimize ponding or runoff of reclaimed water.

(iii) If a site is in non-compliance, unless the non-compliance issues are corrected during the inspection, reinspect the site once corrections are made and document and keep record(s) of the corrective actions. Treater are required to inform and communicate with the the user about compliance plans and corrective actions.

(iv) Implement sanctions for recalcitrant violators that include, but are not limited to, terminating service of reclaimed water to the site if necessary to stop violations. If hoses are being used, the Treater, Management User and/or the Division reserve the right to disable access to the spigot and/or hose bib (by locking it, removing the valve, etc.) until corrective actions are complete.

(2) Management User Responsibilities. The user shall ensure that a Management User is in place that meets the following requirements:

(a) General Responsibilities

(i) Ensure each home buyer or renter is educated about Regulation 84 and provide or ensure that the educational manual is provided at the time of closing, and a signature is required by the homeowner or renter that proves acknowledgement of understanding of the risks associated to using reclaimed water. The Management User must keep copies of signed documents onsite for Division and/or Treater review.

(ii) Maintain up to date maps/records of locations, number and acreage of sites where reclaimed water is used to irrigate vegetables and landscapes, and update treater on a biannual basis.

(iii) The Treater or the Management User is responsible for monitoring water flow in gallons at minimum on a monthly basis at each

residence to ensure agronomic rate is not exceeded. The User Plan to Comply shall indicate whether the monitoring responsibility belongs to the Treater or the Management User. The User Plan to Comply will identify the process and response for evaluating water flows at least monthly versus the agronomic need, and to respond to address potential over watering.

(iv) Implement appropriate procedures and actions to minimize the occurrence of, and obtain compliance with, the requirements of the user NOA and UPC. Implement sanctions for recalcitrant violators that includes, but are not limited to, terminating service of reclaimed water to the site if necessary to stop violations.

**(b) Inspection Responsibilities**

(i) Conduct, at minimum 20% representative site visits with a representative that uses the reclaimed water to irrigate to ensure requirements in this regulation are being met per the best management practices required by the User Plan to Comply and the User NOA; and that the user is minimizing ponding and runoff by irrigating at an agronomic rate; and that they are aware of the components in section 84.9 and that they are using reclaimed water for irrigation.

(ii) Report violations to the treater and the Division and keep violations documented with the location information.

**(C) TREATER AND SITE MANAGEMENT RESPONSIBILITIES FOR EDIBLE AND NON-EDIBLE HEMP SITES IRRIGATED WITH RECLAIMED WATER.**

**(1) Treater Responsibilities**

**(a) General Responsibilities**

(i) Ensure an accurate User Plan to Comply is onsite.

(ii) Maintain accurate records of all current Users.

(iii) Ensure the signage required in this regulation is intact at the appropriate locations and distances, is legible and presented in an understandable format to inform Users and Visitors that reclaimed water is being used and is not for drinking.

(iv) Implement appropriate procedures and actions to minimize the occurrence of, and obtain compliance with, the requirements of the user NOA and UPC. Implement sanctions for recalcitrant violators that includes, but are not limited to, terminating service of reclaimed water to the site if necessary to stop violations until corrective actions are completed.

**(b) Inspections**

(i) Inspections must be completed with a Site Manager or User representative on site and include an interview with the site manager.

- (ii) Inspections must assess and document if all BMPs are being implemented, as required by the User Plan to Comply and the User NOA, to ensure irrigation equipment and practices are in place to prevent irrigation in excess of the agronomic rate, and to minimize ponding or runoff of reclaimed water.
- (iii) If a site is in non-compliance, unless the non-compliance issue(s) are corrected during the inspection, reinspect the site once the correction(s) are made and document and keep record(s) of the corrective actions. Treater are required to inform and communicate with the User about compliance plans and corrective actions. If hoses are being used, the Treater, Site Manager and/or the Division reserve the right to disable access to the spigot and/or hose bib (by locking it, removing the terminate service until corrective actions are complete.

(2) Site Manager Responsibilities. The user shall ensure that a site manager is designated that meets the following requirements:

(a) General Responsibilities

- (i) Ensure an accurate User Plan to Comply is onsite.
- (ii) Ensure site users are educated about reclaimed water per education requirements in Regulation 84.
- (iii) Ensure best management practices and requirements are implemented, as required by the User Plan to Comply and the User NOA for all best management practices including prevention of excess irrigation of the agronomic rate, and to minimize ponding and runoff of reclaimed water.
- (iv) Maintain accurate User Plan to Comply onsite, and submit modifications to the Treater to subsequently send to the Division to modify NOAs.
- (v) Ensure the signage required by this regulation is intact at the appropriate locations and distances, is legible and presented in an understandable format to inform Users and Visitors that reclaimed water is being used and is not for drinking.
- (vi) Implement appropriate procedures and actions to minimize the occurrence of, and obtain compliance with, the requirements of the user NOA and UPC. Implement sanctions for recalcitrant violators that includes, but are not limited to, terminating service of reclaimed water to the site if necessary to stop violations.

reclaimed

(b) Inspections

- (i) An inspection is required prior to the first use of reclaimed water at a site each calendar year to ensure irrigation equipment and practices are in place to irrigate at the agronomic rate and prevent ponding and runoff.

(ii) Routine inspections are required at least once per month during the irrigation season. Inspections must include and document that all Best Management Practices and conditions in the User Plan to Comply and NOA are being met. The Division and/or Treater may request records at any time.

(iii) Report violations to the Treater and the Division and keep violations documented with the location information.

#### USER PLAN TO COMPLY REQUIREMENTS

(D) Commercially processed crops users shall include the following information in their user plan to comply:

- (1) A description of training methods and verification that all employees and Site Managers will receive training prior to beginning work, and annual trainings are conducted.
- (2) A description of how visitors are educated prior to entering irrigated areas.
- (3) A map showing the location of signs throughout site.
- (4) A map showing the location(s) of potable water supplies for hand washing.
- (5) A description of how the list of best management practices are kept on site.
- (6) A description of irrigation schedules and how harvesting produce will be prohibited during irrigation events.

(E) Non-commercially processed crops users shall include the following information in their user plan to comply:

- (1) A description of the training methods and verification that cultivators and site managers will receive training prior to beginning work, and annual trainings are conducted;
- (2) A map showing the locations of signs.
- (3) A map showing the locations of of potable water supplies for hand washing;
- (4) Verification that hose bibs are locked at all times when not in use.
- (5) Verification that legal guardians will be onsite with children that are under ten years of age.
- (6) When applicable, a description of the student to guardian ratio including number of students and number of guardians (on average over the course of the irrigation season).
- (7) A description of how the list of best management practices are kept on site.
- (8) Any additional information necessary to identify the implementation and maintenance of BMPs to comply with 84.9 and to prevent irrigation in excess of the agronomic rate and to minimize ponding or runoff of

reclaimed water. BMPs include any method used to protect public health and the environment. BMPs include, but are not limited to, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices.

(F) Hemp users shall include the following information in their user plan to comply

- (1) A description of the training methods and verification that all employees and site managers receive training prior to becoming a working employee, and annual trainings shall be conducted.
- (2) A description of how visitors are educated prior to entering the irrigated areas.
- (3) A map showing the locations of signs throughout the site.
- (4) A description of the use type for the hemp; non-edible or edible applications.
- (5) A description of how the list of best management practices are kept on site.

(G) Resident-Controlled Non-commercially processed edible crops that are irrigated shall include the following in their use plan to comply:

- (1) A description of how and when new home buyers will be educated about reclaimed water prior to closing to comply with the requirements in Regulation 84;
- (2) A description of a plan to conduct periodic, representative inspections to ensure requirements are being met and to educate homeowners;
- (3) A description of sanctions that will be implemented for recalcitrant violators;
- (4) Description of how homeowners will differentiate reclaimed water hoses and appurtenances from standard potable irrigation equipment.