

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION - DIVISION OF WATER QUALITY
JANUARY 6, 2009**

ITEM 11

SUBJECT

PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION ADOPTING A PROPOSED RECYCLED WATER POLICY AND AN ASSOCIATED CERTIFIED REGULATORY PROGRAM ENVIRONMENTAL ANALYSIS

DISCUSSION

Recycled water is a major source of water supply in California and a major component in California's plan for meeting the state's water demand. The California Water Plan estimates that recycled water usage can increase from half a million acre-feet per year in 2003 to two million acre-feet per year in 2030. The Recycled Water Task Force issued a report in June 2003 that contained recommendations that California should implement to achieve this goal. Some of the recommendations concerned the need to consistently apply state statutes and regulations regarding water recycling and water quality. The State Water Resources Control Board's (State Water Board's) Strategic Plan Update 2008-2012 includes a priority to Promote Sustainable Local Water Supplies, with an emphasis on the use of recycled water and the reuse of stormwater as locally available, sustainable water supplies.

In April 2006, the State Water Board ruled on a petition for review of waste discharge and water reclamation requirements issued by the Los Angeles Regional Water Quality Control Board for the Alamitos Barrier Project ([Water Quality Order No. 2006-0001](#)). After this decision, the State Water Board directed staff to develop a Recycled Water Policy.

On March 20, 2007, the State Water Board held a workshop to receive comments on whether to develop a Recycled Water Policy. On October 2, 2007, the State Water Board held a workshop on a draft proposed Recycled Water Policy. Notice for public comment on a draft proposed Recycled Water Policy was issued on February 15, 2008. At its meeting on March 18, 2008, rather than consider adoption of this version of the policy, the State Water Board agreed to a request from a group of stakeholders to propose an alternative version of the policy.

On September 2, 2008, the stakeholders presented their version of the Recycled Water Policy to the State Water Board, who directed staff to make only the minimum changes needed for the policy to be adopted and approved. Staff has done so and believes that the stakeholders have agreed to the current version of the policy, which is available at http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/docs/draft_recycled_water_policy_110408.pdf. This draft proposed Recycled Water Policy addresses the following topics: benefits of recycled water; mandates for its use; interagency roles; salt/nutrient management plans; landscape irrigation projects including streamlined permitting; groundwater recharge projects; antidegradation; emerging constituents/chemicals of emerging concern; and incentives for the use of recycled water.

POLICY ISSUE

Should the State Water Board adopt the proposed Recycled Water Policy?

FISCAL IMPACT

State Water Board and Regional Water Quality Control Board work resulting from a Recycled Water Policy will be addressed with current and future budgeted resources.

BOARD IMPACT

Yes, all Regional Water Quality Control Boards.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed Recycled Water Policy.

State Water Board action on this item will assist the Water Boards in reaching Goal 3 of the Strategic Plan Update: 2008-2012 to increase sustainable local water supplies available for meeting existing and future beneficial uses by 1,725,000 acre-feet per year, in excess of 2002 levels, by 2015, and ensure adequate water flows for fish and wildlife habitat. In particular, approval of this item will assist in fulfilling Objective 3.2 to promote recycled water use and stormwater reuse as locally available, sustainable supplies, consistent with implementation of the *California Global Warming Solutions Act of 2006*, and other State and regional efforts.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

ADOPTION OF A POLICY FOR WATER QUALITY CONTROL FOR RECYCLED WATER

WHEREAS:

1. The Strategic Plan Update 2008-2012 for the Water Boards includes a priority to increase sustainable local water supplies available for meeting existing and future beneficial uses by 1,725,000 acre-feet per year, in excess of 2002 levels, by 2015, and ensure adequate water flows for fish and wildlife habitat. This Policy is intended to support the Strategic Plan priority to Promote Sustainable Local Water Supplies.
2. California Water Code section 13140 authorizes the State Water Resources Control Board (State Water Board) to adopt state policy for water quality control.
3. On March 20, 2007, the State Water Board conducted a public workshop on recycled water.
4. On September 28, 2007, staff circulated a draft recycled water policy and a draft staff report/certified regulatory program environmental analysis/California Environmental Quality Act (CEQA) checklist for public comment.
5. On October 2, 2007, the State Water Board conducted a public workshop on the draft recycled water policy.
6. On February 15, 2008, the State Water Board circulated an updated version of the [draft policy](#) and the [draft staff report/certified regulatory program environmental analysis/CEQA checklist](#).
7. On November 19, 2008, the State Water Board circulated another updated version of the draft policy and the draft staff report/certified regulatory program environmental analysis/CEQA checklist.
8. Staff has responded to significant verbal and written comments received from the public and made revisions to the draft policy in response to the comments.
9. On January 6, 2009, the State Water Board conducted a public hearing on the draft policy.
10. The attached policy includes findings, including findings related to compliance with State Water Board [Resolution No. 68-16](#), that are hereby incorporated by reference.
11. The Resources Agency has approved the State and Regional Water Boards' water quality control planning process as a "certified regulatory program" that adequately satisfies the CEQA requirements for preparing environmental documents. State Water Board staff has prepared a "substitute environmental document" for this project that contains the required environmental documentation under the State Water Board's CEQA regulations. (California Code of Regulations, title 23, section 3777.) The substitute environmental documents include the "Draft Staff Report and Certified Regulatory Program Environmental Analysis Recycled Water Policy," which includes an environmental checklist, the comments and

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responses to comments, the policy itself, and this resolution. The project is the adoption of a Recycled Water Policy.

12. In preparing the substitute environmental documents, the State Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intends these documents to serve as a Tier 1 environmental review. The State Water Board has considered the reasonably foreseeable consequences of adoption of the draft policy; however, potential site-specific recycled water project impacts may need to be considered in any subsequent environmental analysis performed by lead agencies, pursuant to Public Resources Code section 21159.1.
13. Consistent with CEQA, the substitute environmental documents do not engage in speculation or conjecture but, rather, analyze the reasonably foreseeable environmental impacts related to methods of compliance with the draft policy, reasonably foreseeable mitigation measures to reduce those impacts, and reasonably feasible alternatives means of compliance that would avoid or reduce the identified impacts.
14. The draft policy incorporates mitigation that reduces to a level that is insignificant any adverse effects on the environment. From a program-level perspective, incorporation of the mitigation measures described in the substitute environmental document will foreseeably reduce impacts to less than significant levels.
15. A policy for water quality control does not become effective until adopted by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL).
16. If, during the OAL approval process, OAL determines that minor, non-substantive modifications to the language of the draft policy are needed for clarity or consistency, the Executive Director or designee may make such changes consistent with the State Water Board's intent in adopting this draft policy, and shall inform the State Water Board of any such changes.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves and adopts the CEQA substitute environmental documentation, which includes the staff report/certified regulatory program environmental analysis/CEQA checklist, and the response to comments, which was prepared in accordance with the requirements of the State Water Board's certified regulatory CEQA process (as set forth in California Code of Regulations, title 23, section 3775, et seq.), Public Resources Code section 21159, and California Code of Regulations, title 14, section 15187, and directs the Executive Director or designee to sign the environmental checklist.
2. After considering the entire record, including oral testimony at the public hearing, adopts the Recycled Water Policy (Attachment).
3. Authorizes the Executive Director or designee to submit the Recycled Water Policy to OAL for review and approval.

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4. If, during the OAL approval process, OAL determines that minor, non-substantive modifications to the language of the Policy are needed for clarity or consistency, directs the Executive Director or designee to make such changes and inform the State Water Board of any such changes.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 6, 2009.

Jeanine Townsend
Clerk to the Board