



Joint Recommendations for a State Recycled Water Policy

Association of California Water Agencies
Heal the Bay
California Association of Sanitation Agencies
California Coastkeeper Alliance
WaterReuse Association, California Section
Planning and Conservation League
Environmental Justice Coalition/Southern California Watershed Alliance

September 2, 2008

How We Got Here

- Using more recycled water is a vital part of the State's plan to meet future water needs!
- The SWRCB initiated the development of a State Recycled Water Policy in 2006 to promote use of recycled water and encourage consistent permitting decisions by Regional Boards

But

- There were significant differences among water industry and environmental stakeholders about what the State Recycled Water Policy should say
- In March 2008, the water industry and environmental stakeholders requested the opportunity to try and work out these differences and to bring back a recommended Recycled Water Policy for the SWRCB to consider
- SWRCB approved a 90 day (now 150 day) period in which to make this effort

Tough Issues & Good Faith Negotiations

Early on we agreed that we wanted a policy that would:

- Create a stirring call for action and would result in the use of recycled water
- Integrate recycled water into the bigger picture of water management for the State
- Produce a carefully crafted and balanced set of recommendations to address conflicting concerns
- Maximize consistency in permitting projects while preserving Regional Boards' authority and flexibility to address local conditions
- Address the majority of recycled water project permits
- Be a Policy not a Permit

Success!!

*“On behalf of all of our constituencies,
we are proud to stand before you today to
recommend the following Recycled Water Policy”*

Association of California Water Agencies

Heal the Bay

California Association of Sanitation Agencies

California Coastkeeper Alliance

WaterReuse Association, California Section

Planning and Conservation League

Environmental Justice Coalition/Southern California
Watershed Alliance

Key Elements of the Recommended Recycled Water Policy

- Preamble
 - Acknowledges water crisis and need for sustainable water policy that addresses water recycling, water conservation, storm water and maintenance of supply infrastructure, consistent with state and federal water quality laws.
 - Adopts specific water goals for conservation and use of recycled water and storm water (to be consistent with SWRCB Strategic Plan)
- Purpose of Recycled Water Policy
 - Provides direction to Regional Boards on issuing recycled water permits
 - Sets permitting criteria intended to streamline the vast majority of recycled water projects and maximize consistency among permitting while reserving sufficient Regional Board authority and flexibility to address site-specific conditions
- Benefits of Recycled Water
 - Finds that use of recycled water in accordance with policy is presumed to have a beneficial impact and encourages public agencies to use this presumption in evaluating the impacts of recycled water projects on the environment.

Key Elements, Continued

- **Mandates for the Use of Recycled Water**
 - Sets statewide mandates of 200,000 (2020) and 300,000 (2030) for use of recycled water; implementation through cooperation and collaboration
 - Requires agencies that produce recycled water to make it available for use on reasonable terms and conditions
 - Declares that under current law it is a waste and unreasonable use of water for water agencies not to use recycled water when there is water of adequate quality available
 - References letter to be signed by representatives of water industry and environmental community to advocate for \$1 billion in state and federal funds over next five years (to be appended to final approved policy)
 - Request state agencies to use their respective authorities to assist the SWRCB/Regional Boards in increasing use of recycled water
- **Agency Roles**
 - Recognizes shared regulatory jurisdiction over recycled water use among SWRCB, Regional Boards and CDPH and role of CDWR (grants, State Water Plan) and CPUC (rates and charges for investor-owned utilities) in encouraging water reuse.
 - States that Regional Boards shall rely on CDPH for establishment of permit conditions to protect human health

Key Elements, Continued

- Salt/Nutrient Management Plans

- Requires salt/nutrient management plan be developed for every groundwater basin/sub-basin within 5 years of policy adoption (7 years with extensions); *Does not apply to areas that have already completed Regional Board approved salt/nutrient plans or their functional equivalents.*
- References letter to be signed by CASA, WaterReuse and ACWA committing to funding (along with other stakeholders) of locally controlled collaborative plan preparation processes (to be appended to final approved policy)
- Specifies that salt/nutrient plans shall be tailored to address water quality in each basin and may address additional constituents as appropriate. Recognizes that attainment of water quality objectives/protection of beneficial uses is best done on a basin-wide basis rather than imposing mandates solely on recycled water projects
- Plan Components – with degree of specificity and length dependent on site-specific factors
 - A network of monitoring stations, using existing wells where feasible and focusing on water quality near water supply wells and areas proximate to large water recycling water projects, with reports submitted to Regional Board at least every three years;
 - Provisions for annual monitoring of Constituents of Emerging Concern (CEC's) consistent with adopted recommendation of proposed CEC expert advisory panel;
 - Water recycling and storm water recharge/reuse goals;
 - Salt/nutrient identification, assimilative capacity and loading estimates, with salt/nutrient fate and transport
 - Implementation measures to manage salt/nutrient loading
 - An anti-degradation analysis demonstrating that projects included in the plan will, collectively,

Key Elements, Continued

- Landscape Irrigation Projects
 - Permits “streamlined approval” by Regional Board of landscape irrigation projects that are consistent with the policy within 120 days from the date of application to the Board *except under unusual circumstances*.
 - Does not require groundwater monitoring for streamlined permits, except as called for in an approved salt/nutrient management plan.
 - Sets criteria for streamlined permitting, including:
 - Compliance with Title 22
 - Application at agronomic rates
 - Preparation of an Operations and Management Plan for the irrigation sites(s);
 - Compliance with any applicable salt/nutrient management plan;
 - Monitoring of recycled water for priority pollutants 2x per year and for CEC’s annually (consistent with expert panel recommendations)
 - *Incidental Runoff – Placeholder. While we worked very hard to reach agreement, and made significant progress, this is the one element on which we were unable to reach agreement.*

Key Elements, Continued

- Groundwater Recharge Projects
 - Requires site specific, project by project review
 - Sets criteria for Regional Board approval of groundwater recharge projects including compliance with CDPH groundwater recharge regulations (or current recommendations), CEC monitoring program that is consistent with expert panel recommendations and monitoring of recycled water for priority pollutants 2x per year and for CEC's annually
 - Does not limit authority of Regional Board to protect beneficial uses, provided there is consultation with CDPH on issues related to protection of public health
 - Allows Regional Board to impose additional requirements for projects that have a substantial adverse impact on fate and transport of contaminant plumes or aquifer geochemistry
 - Specifies an expedited "one year" permit process for projects that use reverse osmosis for surface spreading

Key Elements, Continued

- Anti-degradation
 - Sets Groundwater Recharge Project criteria:
 - Demonstrate compliance in high quality basins by conducting an anti-degradation analysis to verify that the project will not use more than 10% of the Regional Board established (or project proponent estimated) assimilative capacity. For multiple projects within the same basin the limit is 20%.
 - Projects using more than the specified percentages may utilize any anti-degradation method acceptable to the Regional Board. Policy encourages an integrated approach (using surface water, groundwater, storm water, pollution prevention, conservation) to implementation of Resolution 68-16.
 - Sets Landscape Irrigation Project criteria:
 - Projects that meet streamlined irrigation permit criteria and have a Regional Board approved salt/nutrient management plan may be approved without further anti-degradation analysis if consistent with the plan.
 - Projects that meet streamlined irrigation permit criteria but a salt/nutrient management plan is under development shall conduct a salt/nutrient mass balance to verify that the project will not use more than 10% of the assimilative capacity estimated by the project proponent. For multiple projects within the same basin the limit is 20%.

Key Elements, Continued

- **Constituents of Emerging Concern (CECs)**
 - States that regulation of most CECs requires additional scientific information and significant work needs to be done to develop test methods and more specific determinations as to how CECs may impact public health or environment.
 - Calls for the SWRCB, in consultation with CDPH, to convene within 90 days of the adoption of the Policy a “blue-ribbon” expert advisory panel to make recommendations for monitoring of CECs in recycled water
 - Specifies guidelines for expert advisory panel composition and implementation of research program including core questions to be addressed and report requirements including recommended actions that the State should take to improve understanding of CECs and, as appropriate, to protect public health and the environment.
- **Incentives**
 - Identifies incentives for the use of recycled water including funding and use of storm water. Recommends that Regional Boards recognize reduced mass loadings from POTWs that recycle water and assign load allocations as appropriate to provide an incentive for greater levels of recycling. Also recommends that Board develop policy for water reuse in the agricultural community

Thank You

- We appreciate your willingness to let our communities work together to submit a recommended Recycled Water Policy for the Board's consideration
- We appreciate the participation of the staff from the SWRCB and CDPH in the discussions
- We want to recognize Ane Deister, Brown and Caldwell, who assisted with the facilitation of these successful negotiations
- We especially wish to thank the many, many members of the environmental and water communities who collectively have poured thousands of hours into making this process successful for the people of California

Let us know what we can do to provide further assistance