

From: "Scoles, Greg" <GScoles@srcity.org>
To: <commentletters@waterboards.ca.gov>
CC: <davesmith@merritt-smith.com>, "Small, Lynn" <LSmall@srcity.org>, <CKuhl...>
Date: 12/16/2008 2:18 PM
Subject: "Comment Letter - Anti-degradation Policy (Resolution 68-16)"

The purpose of this letter is to comment on the State Water Resources Control Board's (SWRCB's) current review of the Anti-degradation Policy (Policy). The City of Santa Rosa (City) considers the Policy and APU 90-004 adequate and suggests that no changes are needed to protect surface water. As the SWRCB considers possible changes to the Policy, the City requests consideration of the important relationship between the Policy and water recycling. Modification of the Policy so that it applies to groundwater would help in promoting water recycling in the State. This letter also addresses misrepresentation by Environmental Law Foundation (ELF) of Policy implementation with respect to the City's NPDES permit.

The Policy and Water Recycling

The City has embraced the California Legislature's goal of increasing water recycling in the State. The City's average dry weather flow is approximately 15-mgd, and the City recycles 100 percent of this water through urban landscape irrigation, agricultural irrigation, and steamfield injection for greenhouse gas-free electrical power production. In addition to reuse of the 15-mgd base flow, the City also reuses most of the additional wet-weather-related flow (i.e., flows in excess of 15-mgd) entering the City's system through inflow and infiltration (I&I). However, reuse of all such water is economically infeasible (even with the City's aggressive I&I control program), and therefore some must be discharged. It is economically infeasible because winter storage for recycled water and land on which to apply the storage water to accommodate the volume associated with the wettest year on record would cost more than \$0.5 billion. In limiting discharge to 3-4 winter months, the City is able to recycle 95 percent of an average year's recycled water production.

The City's innovative and successful water recycling program demonstrates the important relationship between the Policy and water recycling as follows:

- * Discharge to surface water such that water quality is protected or any water quality degradation is consistent with the benefits of the discharge facilitates water recycling in that that lack of such discharge would necessitate land disposal instead of beneficial water recycling.

- * Water recycling consistent with other policies and regulations, including the pending Water Recycling Policy, reduces surface water diversion and groundwater pumping, which benefits water quality.

The City requests that any changes to the Policy with regard to surface water be made in such a manner so as to not discourage water recycling because water recycling is consistent with the Policy and with the

California Legislature's goal of increased water reuse. Any changes to the Policy to facilitate application to groundwater, if implemented to maintain the balance of water quality protection and allowing modest degradation to achieve a net "socioeconomic and public" benefit (as is the case in the current Policy for surface water), would help clarify situations where water recycling is beneficial despite some modest groundwater impacts that may occur in some location.

Misrepresentation by ELF

ELF's July 17, 2007, letter to SWRCB misrepresents Policy implementation in the NPDES permit issued to the City by the North Coast Regional Water Quality Control Board (Order No. R1-2006-0045). ELF correctly points out that the waterway to which the City discharges recycled water is impaired for nutrients, but incorrectly asserts that issuance of the Order No. R1-2006-0045 was inconsistent with the Policy because the permit allows nitrate to be present in effluent at a concentration of 10 mg-N/L. ELF's letter states "[u]nder the federal components of the state's antidegradation policy, such degrading levels of nitrogen would be prohibited." ELF's letter fails to recognize that the permit does indeed prohibit nutrient discharge; the permit establishes a requirement that the City achieve a "zero" net annual nutrient load by 2011 and ongoing until an alternative limit is established through the TMDL process. This extremely onerous requirement is being achieved by the City through control of nutrient sources in the watershed, as provided for in the NPDES permit.

Thank you for consideration of the City's comments.

Sincerely,

Greg Scoles
Deputy City Manager
City of Santa Rosa
P.O. Box 1678
Santa Rosa, CA 95402

office: 707.543.3021
fax: 707.543.3030
gscoles@srcity.org

cc: David W. Smith
Catherine Kuhlman
Roberta Larson