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Via electronic mail
Charles R. Hoppin, Chair and Members
State Water Resources Control Board
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Subject: Comment Letter – General Waste Discharge Requirements for ASR Projects

Dear Chair Hoppin and Members of the Board:

The California Association of Sanitation Agencies and WateReuse California (collectively, the Associations) are pleased to provide comments on the draft General Waste Discharge Requirements for Aquifer Storage and Recovery (ASR) Projects (draft GO).

With one important exception, the draft GO represents a significant positive advancement in the State Water Board's regulatory approach that will promote better water resource management and protect beneficial uses. In particular, we support the following foundational elements of the draft GO:

- The finding that ASR implemented consistent with the draft GO (which includes the requirement that ASR source water receive treatment consistent with the requirements of a California Department of Public Health (CDPH) domestic water supply permit) will provide important economic and environmental benefits, and any groundwater quality degradation is therefore deemed to be to the maximum benefit of the people of the State.
- The finding that removing disinfection by-products is technically feasible but the cost of such treatment is “far greater than the benefits to be obtained because it is not necessary to prevent impacts to the primary beneficial use of groundwater, which is

municipal and domestic supply. Economic prosperity of communities and associated industries is of maximum benefit to the people of the state and is a sufficient reason to allow some groundwater degradation, which may arise in some cases, provided that terms of the applicable Basin Plan, and other applicable State and Regional Water Board polices are consistently met”.

- Limitations on injected water quality are appropriately established based on drinking water Maximum Contaminant Levels and limitations as necessary to ensure groundwater objectives are not exceeded.
- Appropriate minimal monitoring requirements, because extensive monitoring of the water is already conducted consistent with CDPH requirements and because of the low threat to groundwater. For groundwater, required monitoring is limited to monitoring of injection and extraction wells quarterly for a year.

Notwithstanding the aforementioned highly desirable aspects of the draft GO, we are quite concerned that it defines and regulates potable water as a waste. Findings 6 through 9 clearly articulate the Water Board’s authority to establish waste discharge requirements (WDRs) for ASR relies on the injection well provisions of the California Water Code. Injection well provisions require WDRs as a condition for injection of a “fluid”, and this authority is not dependent on the fluid being a “waste.” Finding 14 explains that the basis for establishing *general* WDRs is that the discharge must contain waste and that ASR source water (which must be fully treated potable water) regulated under the general WDRs “all involve similar types of waste in that the primary waste constituents will be disinfection by-products.” This is not consistent with the definition of waste in Water Code Section 13050(d) and effectively establishes potable water as a waste. Potable water is not a waste and should not be described as such for the sake of qualifying potable water ASR projects for regulation under a general WDR. We recommend and request Finding 14 be changed as follows:

“The discharges will all involve similar ~~types of waste~~ water quality in that the primary ~~waste~~ constituents of concern will be disinfection byproducts generated by drinking-water treatment required by domestic water supply permits issued by the California Department of Public Health.”

The Associations fundamentally believe that alternative water supply sources and strategies should be regulated, and that the water boards and CDPH have a role in that regulation. However, we do not believe that alternative water supply sources and strategies should be regulated as “discharges of waste” simply because current statute makes that the path of least resistance. Just as oversight by the water boards and CDPH helps inspire public confidence in the public water supply, injudicious use of terms such as “discharge of waste,” especially when applied to potable water being managed in an ASR setting, can undermine the public’s belief that their water supply is safe. Fundamentally, we believe that the State’s statutes should be modernized to allow for

appropriate regulation of important new supply strategies without calling these supplies “wastes” or regulating them as “discharges of waste”. Indeed, we assert that such statutory modernization would provide an important affirmation by the State of the value and safety of important new supply strategies. The inappropriate characterization in the draft GO of potable water as a waste vividly illustrates the need and opportunity for modernizing legislation to foster a safe, abundant water supply for 21st century California. We would be pleased to collaborate with the State Water Board to develop such a legislative proposal.

The Associations and our members thank you for your consideration of this extremely important matter.

Sincerely,



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WateReuse California



Roberta Larson
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