



March 10, 2008

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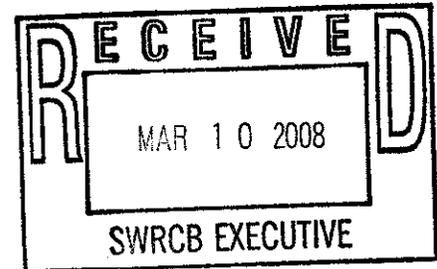
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Jeanine Townsend, Clerk to the Board
Executive Office
State Water Resources Control Board
1001 I Street, 24th Floor
P.O. Box 100
Sacramento, CA 95812



Dear Chair Doduc and Members of the Board:

SUBJECT: Comments on the State Water Resources Control Board's Draft
Recycled Water Policy (February 2008)

Eastern Municipal Water District (EMWD) appreciates the opportunity to provide our comments and recommendations on the Draft Recycled Water Policy for California issued for public comment in February 2008. Contrary to the previous version of the policy, EMWD has concerns that the new requirements that have been included in this version of the policy could impede the use of the recycled water instead of promote its use. We request that the Board wait to adopt the proposed policy, so that the stakeholders can discuss the new requirements to ensure the policy meets the intended goal of promoting the use of the recycled water.

EMWD appreciates that the State Board has incorporated several of the comments that were raised on previous versions of the policy, however, the new requirements that have been added to the policy have caused us concern. We have the following comments.

The Policy allows Regional Water Boards to establish recycled water limits, based on narrative toxicity objectives, which are more stringent than drinking water standards, without a basis in science. EMWD has not been required to meet such requirements for irrigation sites, and as such, we need to understand how this requirement would be administered by the Regional Boards to determine ability to meet compliance.

The Policy establishes a 3 mg/L nitrogen threshold in recycled water for implementation of nutrient management practices and again, the Policy lacks clarity as to what is meant by "nutrient management practices". Many water recyclers produce water that exceeds this threshold and again, without clarity

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agencies' planning efforts are impeded by uncertainty as to treatment requirements and costs. A nutrient management plan should have the flexibility to use offsets or mitigation and the development of the site specific nutrient uptake rates.

Clarification on the intent of the policy on groundwater monitoring requirements is needed. One provision seems to imply monitoring is not needed, but other provisions give Regional Boards the authority to require monitoring under certain circumstances. There appears to be conflict in the statements on groundwater monitoring and as a recycled water provider it is unclear of actions needed to comply with the policy.

The Policy presumes that local agencies can control water softeners to limit salts, which is not accurate. To manage salt, EMWD agrees control of water softeners is an option. However, this is not an easily managed area and requires supporting studies and analyses to demonstrate effectiveness. The policy needs to recognize some of the legal and public relations challenges agencies face when attempting to control water softeners.

The anti-degradation language does not adequately address the components of the Anti-degradation Policy, particularly with regard to defining prevention of nuisance and pollution, maximum benefit, and best practical treatment and control. Without addressing this issue, the Draft Policy cannot insure it will not unreasonably affect beneficial uses.

The Policy includes numerous references to the Clean Water Act without explaining how the Act is relevant or applicable to recycled water irrigation and recharge. Once again this uncertainty about the Policy's intent and what is intended by Clean Water Act compliance, creates a regulatory environment that can frustrate the development of projects.

These issues must be satisfactorily addressed in order for our agency to support a Recycled Water Policy. Thank you for your consideration of our concerns.

Sincerely,



Anthony J. Pack
General Manager

JJ:tam

cc: Jayne Joy, Director of Environmental and Regulatory Compliance
Daniel C. Duffield, Source Control Manager
Records Management
File