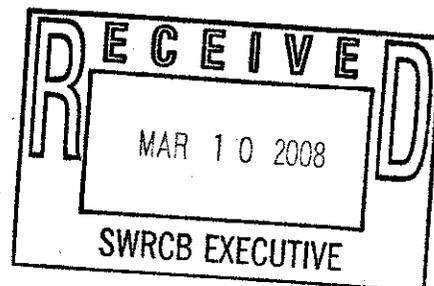


Via Electronic Mail and U.S. Mail

March 10, 2008

Attn: Jeanine Townsend, Clerk to the Board
Executive Office
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: Comments on Revised Proposed Statewide Recycled Water Policy

Dear Chair Doduc and Members of the Board:

The City of Livermore requests that the State Water Resources Control Board not take action to adopt the Revised Proposed Recycled Water Policy at its March 18, 2008 meeting.

The City delayed submitting comments on the Revised Proposed Recycled Water Policy until now, hoping to first review the State Water Board's responses to comments on the previous draft submitted by the City in a letter dated October 25, 2007. The notice that the Draft Response to Comments had been posted on the State Water Board's website was not emailed out until after 5:30 p.m. on Friday, March 7, 2008. This did not allow sufficient time for us to review the more than 50 pages of Draft Response to Comments. While we appreciate that revisions have been made to the previous version of the draft policy, it is not entirely clear how the current proposed policy will affect the City. For example, in our October 25, 2007 comment letter, we noted the following:

- *The Policy should support and recognize locally-driven, basin-wide planning for management and sustainable use of groundwater as the correct and appropriate way to preserve groundwater quality.*

The City encourages the State Water Board to incorporate approaches that have been successfully adopted in various regions of the State. For example, The San Francisco Bay Region Regional Water Board (Region 2) has adopted a Basin Plan that encourages and facilitates salt management as a way to protect groundwater quality and encourage water recycling.

The Policy should recognize and not supersede successful local programs already being implemented that promote management and sustainable use of groundwater. For example, the Livermore Amador Valley Groundwater Basin Salt Management Plan was approved by Region 2 in September 2004. Stakeholders including water and wastewater agencies participated in the

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development of the plan and are now participating in its implementation. The plan addresses salt loading from all sources, including potable water as well as recycled water irrigation.

State Water Board member Gary Wolff spoke about the proposed policy at the WaterReuse Association Northern California Chapter Meeting on Friday, Feb. 22, 2008. Mr. Wolff noted that TDS and nutrient management requirements are "interim" requirements that must be met while a salt management plan is completed. As an example, he cited the Livermore Amador Valley as having already met the salt management plan requirements of the proposed policy, and therefore not being affected by the interim requirements. However, Mr. Wolff's remarks are not clearly reflected in the Draft Response to Comments. On page 40 under V. Salt Management Plans, it is stated, "The proposed Policy has been edited to exempt the Santa Ana Water Board from the requirement to develop a salt management plan, since it already has one. Any other successful salt management efforts can be written into the salt management plans as they are developed." It is not possible to determine from this response whether the already completed and Regional-Water-Board-approved *Livermore Amador Valley Groundwater Basin Salt Management Plan* is recognized as meeting the salt management planning requirements of the State Water Board's Revised Proposed Recycled Water Policy.

Instead of acting on the revised policy at the March 18, 2008 meeting, the City urges the State Water Board to delay any action. This will provide time for affected agencies to review the Draft Response to Comments. At the meeting, the City especially encourages the State Water Board to agree to engage in a facilitated discussion with interested stakeholders to arrive at a clear policy statement for recycled water use. As was indicated in letters the State Water Board received dated March 4, 2008 from the California Section of the WaterReuse Association, the Association of California Water Agencies, and the California Association of Sanitation Agencies, and dated March 6, 2008 from the California Coastkeeper Alliance and Heal the Bay, a facilitated process is the most efficient and effective way to resolve competing points of view and develop a statewide recycled water policy that both meets California's water needs and protects water quality.

Thank you for the opportunity to provide these comments on the revised Proposed Recycled Water Policy.

Sincerely,



Darren Greenwood
Water Resources Manager
Department of Public Works
(925) 960-8100
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cc: Daniel McIntyre