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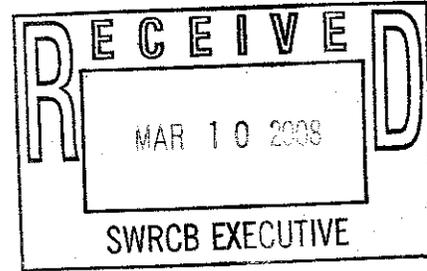


Diane DuBois
Mayor

March 10, 2008

Letter faxed to (916) 341-5621

Tam M. Doduc
Board Chair
State Water Resources Control Board
1001 I Street
Sacramento, California 95814



**SUBJECT: COMMENT LETTER - RECYCLED WATER POLICY
(March 18, 2008, Board Meeting)**

Dear Chair Doduc and Members of the Board:

The City of Lakewood requests that the State Water Resources Control Board not adopt the draft Recycled Water Policy for California. The draft Policy, as written, does not accomplish the goal of removing barriers to use of recycled water. Therefore, we ask the Board not to adopt the proposed Policy.

Though we appreciate some of the revisions to the prior draft, a number of the current proposals will not increase the use of recycled water in California. A brief summary of these issues:

- 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. The Policy undermines agencies' ability to plan for projects by introducing a level of uncertainty as to what limits might be established and at what level, and what the costs could be.
- The Policy relies upon the current MOA process to resolve conflicts between the California Department of Public Health (CDPH) and the Regional Board. This does not advance cooperation between CDPH and the SWRCB, which is crucial to reaching the State's established goals for recycled water use.
- While we appreciate the legitimate need for salinity management, we continue to believe that using a recycled water project application as a trigger for the preparation of salinity management plans is ineffective. The salt management plans are to be done in five years with the possibility of a five-year extension if significant progress is made, but there is no framework for determining progress, and our experience shows that it will take more than five years to complete the plans.

Lakewood

- The Policy's approach to groundwater monitoring is unclear. One provision seems to imply monitoring is not needed, but other provisions give Regional Boards the authority to require monitoring under certain circumstances. This further contributes to the lack of clarity which will frustrate project planning. In addition, this lack of clarity could undermine the cohesive development of the monitoring plans needed to truly support regional salinity management.
- 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, without clarity, agencies' planning efforts will be impeded by uncertainty as to treatment requirements and costs.
- The SWRCB Policy presumes that local agencies can control water softeners to limit salts, which is not accurate. There are legal limitations and obstacles for prospective controls and no ability to retrospectively ban residential softeners. This real limitation on a local agency's authority to conduct source control efforts must be recognized if the policy is to truly advance water recycling.
- 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 (BPTC). Without addressing this issue, the Draft Policy may 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 the intent of the Clean Water Act creates a regulatory environment that can frustrate the development of projects.

Unless these issues are addressed, the City of Lakewood cannot support the Recycled Water Policy. Thank you for your consideration of our concerns.

Sincerely,



Diane DuBois
Mayor

cc: David Bolland, Senior Regulatory Advocate, Association of California Water Agencies