



Dedicated to Preserving the Napa River for Generations to Come

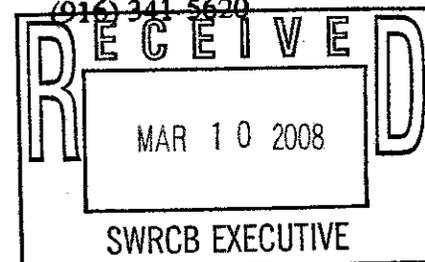
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Ms. Jeanine Townsend, Clerk to the Board
Executive Office
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Sent by email and fax:
commentletters@waterboards.ca.gov
(916) 341-5620

Subject: Comment Letter – Proposed Recycled Water Policy

Dear Ms. Townsend:



The Napa Sanitation District (District) opposes the adoption of the proposed Policy in its present form. Besides a number of technical issues described below, the Policy in its current form continues the confusion in people's minds about whether or not recycled water is a valuable supply of water for Californians or a disposal of waste product.

We urge the State Water Resources Control Board (Board) to postpone adoption of the Policy until further discussions can be held with stakeholder representatives.

The District currently delivers approximately 2,100 acre feet of recycled water for unrestricted use to local vineyards, industrial parks, a cemetery, a community college, multiple golf courses, and applies recycled water for disposal on District-owned property. In addition, the District has spent millions of dollars helping to expand its recycled water system in response to residential and agricultural interest in using our water to augment water supply in areas with critical shortages.

Before considering our comments below, please keep in mind that our understanding is that the proposed Policy does not address spray disposal practices. The District's NPDES permit precludes discharging to the Napa River for six months of the year, except in emergencies. In order to meet this NPDES permit requirement, the District purchased over 700 acres of land for spray application of recycled water for disposal, and the District has been using this land for disposal purposes ever since. If it is the intent of the Board that this Policy applies to spray disposal practices, then serious repercussions will fall on the ratepayers of the District, and the District will not be able to meet the requirements of its NPDES permit.

If spray disposal practices are to be prohibited under the proposed Policy, the District would need to consider every available option to prevent the Policy's implementation.

Ms. Jeanine Townsend
March 10, 2008
Page 2

Our other comments follow:

1. **The revised draft Policy discourages the delivery and use of recycled water and should not be adopted.**

The Board needs to know that this draft Policy, while slightly better, is still inadequate in carrying out the principles established in Resolution 77-1, which had at its core the encouragement of recycled water projects. In contrast, this Policy will discourage the use of recycled water.

Water in California is in short supply. If recycled water is needed, it would be irresponsible to discourage its use of recycled water, as is the case with the draft Policy in its current form.

The Board is not ready to adopt this draft Policy because it is so very far removed from Resolution 77-1. We strongly urge the Board to *not adopt* the proposed Policy until the issues of water recyclers are adequately addressed.

2. **The Board should be very specific about what constitutes a nutrient management plan before the District can adequately comment on this brand new mandate.**

The District is very concerned that the requirement for nutrient management plans will be extremely burdensome on users and/or producers. The draft Policy contains significant new requirements for soil analysis, nutrient needs assessment, and tracking of nutrient application, which are only some of the activities of this complex requirement.

However, on February 22, 2008, Gary Wolfe spoke at a meeting of WaterReuse and indicated that education alone would be sufficient to meet the requirement for nutrient management plans. The recycled water policy should be very specific about the requirements for nutrient management plans.

3. **The Policy must state exactly how the Clean Water Act is applicable or relevant to recycled water irrigation and recharge.**

The Policy includes numerous references to the Clean Water Act without explaining how the Act is relevant or applicable. This uncertainty about the Policy's intent and what is intended by Clean Water Act compliance creates a regulatory environment that will greatly curtail the development of recycled water projects.

Ms. Jeanine Townsend
March 10, 2008
Page 3

- 4. Using the development of salinity management plans as a trigger for recycled water requirements is unfair and inappropriate.**

This brand new requirement effectively holds recycled water producers hostage while the respective Regional Water Board develops salinity management plans or even a finding that one is not needed on their own schedule.

This type of policy is inappropriate because recycled water producers have no control over Regional Water Boards.

- 5. The assumption that recycled water producers can limit salts in their influent is flawed.**

The 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.

- 6. It is inappropriate to establish recycled water effluent limits that are more stringent than drinking water standards.**

The draft Policy allows Regional Water Boards to establish recycled water effluent limits, based on narrative toxicity objectives, which are more stringent than drinking water standards, without any basis in science. The uncertainty and potential costs associated with such a prospect is mind-numbing.

- 7. Resolution 77-1 should be placed at the beginning of the Policy.**

By placing Resolution 77-1 at the beginning of the Policy, it would set the stage for developing a Policy that truly has the furthering of water recycling in mind.

Once again, please consider postponing adoption of the Policy until further discussions can be held with the stakeholder representatives.

If you have any questions or would like additional information, please contact me at (707) 258-6000 ext. 511 or email at mabramson@napasan.com.

Sincerely,


Michael Abramson
General Manager

cc: Napa Sanitation District Board of Directors
California Association of Sanitation Agencies