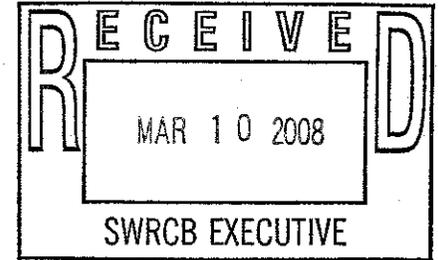


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March 10, 2008

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Tam Doduc, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Chair Doduc and Members of the Board:

**COMMENT LETTER:
RECYCLED WATER POLICY—March 18, 2008 Board Meeting**

The West Basin Municipal Water District (West Basin) commends the State Water Resources Control Board (Board) for their leadership on this issue and the desire to encourage recycled water in a safe, reliable manner. The current draft policy at this time cannot be supported by the West Basin and therefore we respectfully request the Board not adopt the draft Recycled Water Policy for California. While we had hoped that the revised Policy would help achieve the state's goal of removing barriers to use of recycled water, we regrettably find ourselves faced with a draft Policy that, as written, does not accomplish this goal. For this reason, we urge the Board not to adopt the proposed Policy.

While we appreciate some of the revisions to the prior draft, such as removal of the requirement to provide financial assurances and the adjustment of the provisions relating to maximum total dissolved solids (TDS), a number of the policy provisions do not advance the goal of increasing 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'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 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 agencies' authority to conduct source control efforts must be recognized if the policy is to truly advance water recycling.

Richard Nagel
General Manager

Tam Doduc, Chair
State Water Resources Control Board
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- 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 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.

Thank you for your consideration of our concerns. We continue to support and applaud your effort to ultimately adopt a revised policy that will have a lasting long-term positive effect on advocating recycled water uses in California.

Sincerely,



Rich Nagel
General Manager