

# Inland Empire Utilities Agency

A MUNICIPAL WATER DISTRICT

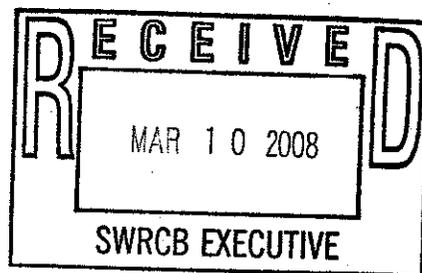
6075 Kimball Ave, • Chino, CA 91708  
P.O. Box 9020 • Chino, Hills, CA 91709  
TEL (909) 993-1600 • FAX (909) 597-8875  
www.ieua.org

3/18/08 Bd, Mtg. Item 13  
Recycle Water Policy  
Deadline: 3/10/08 by 12 p.m.

March 10, 2008

The Honorable Tam Doduc  
Chair, State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Attn: Ms Jeanine Townsend, Clerk to the Board  
Executive Office



Re: *Comment Letter – Proposed Revised Recycled Water Policy  
March 18, 2008 Board Meeting*

Dear Chair Doduc and the Members of the State Water Resources Control Board:

Thank you for this opportunity to submit comments on the proposed revised Recycled Water Policy that is scheduled to be heard by the State Water Resources Control Board (SWRCB) at its March 18, 2008, board meeting.

The Inland Empire Utilities Agency strongly supports the SWRCB's efforts to promote the use of recycled water through the establishment of a consistent statewide interpretation of the regulatory requirements for recycled water use. IEUA has been a statewide and national leader in implementing water recycling projects (LA Times editorial February 25, 2008) and views the proposed policy as a significant opportunity to address the water problems facing the state. As you know, the challenges facing the state's water supplies are significant and recycled water represents the only new, reliable source of water that is available to California's communities, especially during periods of droughts or water shortages that may be related to climate change.

We had hoped that the Revised Recycled Water Policy proposed by the Board would help achieve the state's goal of removing barriers to the use of recycled water. Unfortunately, we find ourselves faced with a draft Policy that, as written, does not accomplish this goal.

*For this reason, we respectfully request that the Board not adopt the proposed Revised Recycled Water Policy at the March 18, 2008, board meeting. We further urge that the Board support the joint proposal submitted by The California Section of the WasteReuse Association, Association of California Water Agencies, California Association of Sanitation Agencies, Heal The Bay and CoastKeeper, submitted last week, to convene a 60-day process that would*

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*provide an opportunity for stakeholders to collaborate on the development of a clear policy for recycled water use.* We firmly believe that this alternative procedure will assist the Board and its staff in the development of a Recycled Water Policy that will be widely supported as well as implemented successfully, to the benefit of all Californians.

IEUA recognizes that the Board staff has spent many hours working the Proposed Revised Recycled Water Policy and we appreciate the many revisions that have been made since last September, including the removal of the requirement to provide financial assurances and the adjustment of the provisions relating to maximum total dissolved solids (TDS). However, there are many other provisions that, as drafted, do not advance the goal of increasing the use of recycled water in California. These issues include:

- The Policy allows Regional Water Boards to establish recycled water quality limits, based on narrative toxicity objectives, which are more stringent than DPH/EPA drinking water standards, without a basis in science or normal rule making.
- The Policy relies upon the current Memorandum of Agreement (MOA) process to resolve conflicts between the California Department of Public Health (CDPH) and the Regional Board. This process does not advance the cooperation between CDPH and the SWRCB which will be absolutely necessary to reach the State's established goals for recycled water use.
- The Policy relies upon recycled water project application to serve as a trigger for the preparation of salinity management plans. This is an ineffective approach to addressing this broader, significant water quality challenge. We believe that the requirement for the development of salt management plans should apply to all uses of water (e.g., imported water) within a Basin Plan, not just recycled water.
- 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 but provides no guidance as to what is meant by "nutrient management practices".
- 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. 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.
- The Policy does not adequately address the components of the Anti-degradation Policy, particularly with regard to defining prevention of nuisance and pollution and

other key concepts such as best practical treatment and control (BPTC). Without clarity on these issues, the Policy cannot insure it will not unreasonably affect beneficial uses.

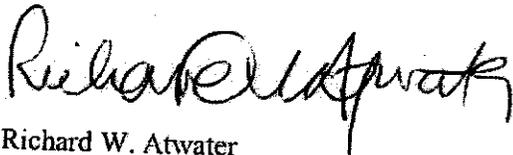
- o The Policy includes numerous references to the federal Clean Water Act without explaining how the Act is relevant or applicable to recycled water irrigation and recharge. This uncertainty about the Policy's intent creates a regulatory environment that will frustrate the development of recycled water projects.

These are significant issues that must be addressed before a Recycled Water Policy should be adopted. Accordingly, we ask that you not approve the proposed Revised Recycled Water Policy as written at the Board's March 18<sup>th</sup> meeting.

Again, we believe that a collaborative effort among all of the stakeholders to draft the Recycled Water Policy is the best and fastest way to resolve these issues. We reiterate our recommendation that the Board allow the stakeholders to convene a facilitated drafting session that, with the participation of Board staff, will improve the draft Recycled Water Policy and gain its broader acceptance. As outlined in the joint March 4<sup>th</sup> letter, the proposal is to limit the facilitated drafting process to 60 days to ensure that it is expeditious and comes to a conclusion by a date certain.

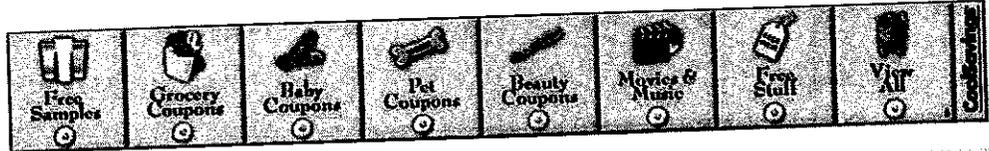
We appreciate your consideration of IEUA's concerns and recommended actions. We look forward to continuing our work with you and your staff on the development of a Recycled Water Policy for the state. If you have any questions regarding our comments, please call me 909-993-1740.

Sincerely,



Richard W. Atwater  
CEO/General Manager

Cc: Mary Grace Pawson, The California Section of the WaterReuse Association  
Dave Bolland, Association of California Water Agencies  
California Association of Sanitation Agencies  
Mark Gold, Heal the Bay  
Barry Nelson and David Beckman, Natural Resources Defense Council  
Linda Sheehan, OceanKeeper  
Mindy McIntyre, Planning and Conservation League



<http://www.latimes.com/news/opinion/editorials/la-ed-water25feb25.0,1665172.story>  
 From the Los Angeles Times

## Channeling Mulholland

The Times launches an editorial series on water and water policy in California and around the world.

February 25, 2008

The early history of Los Angeles was defined by its struggle to get water wherever, and whenever, it could. William Mulholland and his colleagues did such a good job of securing water supplies during the early 20th century -- building the 223-mile-long, gravity-fed Los Angeles Aqueduct, which imports water from the Owens Valley; establishing the Metropolitan Water District, which brings in water from the Colorado River and Northern California -- that those of us living here today take for granted our lush gardens and year-round blooms. They appear a native bounty when they are, in fact, a work of man. We offer pious lip service to the notion that water is scarce when the weather is dry, only to forget our concerns at the fall of the first raindrop. Implicitly, we behave as if water will always be available and unlimited.

This must change. This page did not like the water bond that Gov. Arnold Schwarzenegger backed last year, but he is on to something when he insists that California needs to rethink its complicated and woefully overburdened water system. It has been said many times before, but it bears repeating: Our state's breathtaking natural beauty, envied easygoing lifestyle and booming economy -- the California dream chronicled and immortalized by our resident historian, Kevin Starr -- depend on an ambitiously conceived network of aqueducts, pumps, dams and pipes that will literally run dry if we don't invest heavily to change the way we use, capture, store and distribute water.

Figuring out what kind of investments are called for will not be easy. Dwindling freshwater supplies are a worldwide problem, not limited to dusty Western states. In Atlanta, which gets more than 50 inches of rain in an average year (that's more than three times Los Angeles' typical rainfall), drought forced Gov. Sonny Perdue to declare a state of emergency in 2007 as water supplies sank to a frightening three-month supply. In the Upper Midwest, fear that dry Southern states will muster the political power to build pipelines to import water from the region has become "the third rail of Great Lakes politics," as one observer wrote. Worldwide, according to research cited recently by U.N. Secretary-General Ban Ki-moon, about 2.7 billion people live in countries where climate change and water-related crises create a high risk of violent conflict. Another 1.2 billion suffer high risk of political instability from water shortages. Ban has pledged to protect water resources as a part of his global anti-poverty efforts.

Studying water, even on a local scale, exposes a universe of dazzling complexity. Here in Southern California, our sources of imported water, including the Colorado River and the Sacramento-San Joaquin River Delta, are threatened. Deliveries from the delta, which provides water for 25 million Californians, could drop by as much as a third this year. Imports from the Owens Valley to Los Angeles are down too. A recent study suggested that there is a 50% chance that the Colorado River's vast Lake Powell and Lake Mead reservoirs will dry up by 2021. No one knows how future climate change might further affect imports. Many of our local aquifers, which could provide well water and storage capacity for "extra" water supplies, are polluted or overdrawn. Long-standing political battles pit North against South, older cities against new ones, farmers against urbanites and environmentalists against developers.

William Mulholland and his generation famously secured this region's water and gave Los Angeles a chance to be; the job of our generation is to accept without apology this city's right to continue, to make room for growth and to protect Mulholland's grand, if complicated, legacy.

In the coming months, we will publish a series of editorials examining water and water policy in California, across the country and around the world. Channeling Mulholland, we hope to use these editorials to sketch an impressionistic blueprint for a perfect water system. We stray from Mulholland's vision, however, in our desire to imagine a plan that humbly acknowledges how limited a resource water truly is -- a plan that seeks to balance the needs of people, the economy and the environment in considering how best to use and preserve it.

### The water we have

We begin with a call for Southern California to turn its attention to its often ignored, and often neglected, local water supplies. During the 20th century, Los Angeles was built on imported water. But today, with imported supplies curtailed by environmental restrictions and threatened by climate change and natural disasters, we must rely more on the water we already have -- including water we conserve, water we recycle and water we recover. "Generally in Southern California, there's a sea-change recognition that if we're all waiting to get more water from Northern California, it isn't going to happen," says Richard Atwater, general manager of the Inland Empire Utilities Agency in Chino, which is considered a leader in efficiency efforts. "To maintain our great economy, we need to protect our sources here."

Atwater's agency employs a variety of strategies to develop its local supplies. First, it uses recycled, non-potable water -- "gray water" that might otherwise flow to the sea -- to irrigate its parks, golf courses and school grounds. Within three years, Atwater expects to cut 25% of the district's annual outdoor potable water use, enough to meet the household needs of 400,000 people. Second, the district gets much of its water from local aquifers. It must clean this water, but doing so is doubly valuable because it requires half as much energy as importing the water from the delta and also improves water quality downstream in Orange County.

The agency works with developers to build new homes that are water efficient, using a third as much water as homes built just 10 years ago. It has installed experimental porous surfaces in agency parking lots, which allow rainwater to enter the region's aquifers. Atwater plans to ramp up efforts to recycle wastewater for potable use, as Orange County has already done. (This process is sometimes disparagingly referred to as "toilet to tap." In fact, it produces water so pure that, untreated, it corrodes metal pipes.) Atwater has even copied a program in Las Vegas that pays homeowners \$1.50 per square foot to rip out their lawns and put in climate-friendly landscapes. "Lawns may be a luxury we can't afford," he says.

Atwater is not anti-growth. He expects the population of his district to increase 50% in the next 20 years, and he believes, thanks to efficiency efforts, that his region can do this without using "a drop more" of imported water. (In 2005, the Pacific Institute, an Oakland-based think tank,

estimated that the entire state could maintain economic growth and cut water use by 20% over approximately the same period.) Most important, Atwater doesn't discount the possibility that the district may have to make do with less water from the delta and the Colorado River in the future. That's a notion still considered heretical by many water users in this state, who are loath to signal willingness to give up any claim to water -- even when the water in question, like the diminishing flows of the Colorado, may not actually exist.

Here in Los Angeles, as Mayor Antonio Villaraigosa is fond of pointing out, we make do with the same amount of water today as we did 20 years ago, despite an influx of a million new residents. These savings are a result of efficiency measures such as the installation of low-flow toilets and shower heads, and a tiered pricing structure that discourages overuse. That's impressive -- and not nearly enough. We should do more to improve outdoor water use efficiency. We should follow Orange County's lead and begin recycling our wastewater for eventual potable use. We should recover storm water. We should clean our groundwater basins. We should nudge homeowners into ripping out their lawns. And we should admit, our Owens Valley supply notwithstanding, that our future cannot depend entirely on imported water.

#### The struggles to come

There will be many struggles over water in California -- over the Sacramento-San Joaquin River Delta, over the Colorado, over the Owens Valley -- in years to come. Cleaving to local sources won't prevent these battles and is hardly controversy free, but it could lower the stakes and (we dare to dream) help break the stalemate state policymakers face. No farmer should cry foul if Los Angeles recycles more of its water. No ancient grudges between Northern and Southern California should be revived.

Improving water efficiency is cost-effective. But it isn't sexy, especially viewed beside wonders like Mulholland's aqueduct or the Hoover Dam. As our governor understands, spending billions on monumental engineering projects has poetic appeal. It conjures the triumph of man over nature. Spending smaller sums on porous parking lot surfaces, filtration plants and programs to put drought-friendly plants and smart sprinkler systems in people's yards -- the workaday, street-level strategies required to develop local supplies -- seems janitorial in comparison.

We know now that we can't triumph over nature after all, yet we need not abandon the dreams of pioneers or the willingness to think big. Even as we dream, we must make the most of collective, modest solutions that, spread across millions, can reap staggering rewards. Our forefathers secured water for us; we must now care for what they made possible.

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