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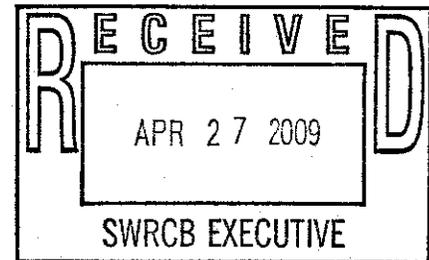
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MEMBER AGENCY OF THE  
METROPOLITAN WATER  
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SOUTHERN CALIFORNIA

April 27, 2009

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



**VIA EMAIL AND HARD COPY**

**SUBJECT: Comment Letter – Landscape Irrigation General Permit**

Dear Chair Doduc and Members of the Board:

Las Virgenes Municipal Water District and Triunfo Sanitation District, a Joint Powers Authority (Authority), appreciates the opportunity to provide comments on the draft General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water (general permit). The Authority agrees with the intended goals and purpose of the general permit, specifically promoting the expanded use of recycled water in the state, creating additional local non-potable supplies while reducing the amount of imported water along with the related impact on the climate; and providing consistency in setting regulations.

For background, the Authority provides wastewater treatment, bio-solids treatment and recycled water for the northwestern portion of Los Angeles County and the southeastern portion of Ventura County. The service area generally consists of the Malibu Creek Watershed and small portions of the Los Angeles River Watershed. Las Virgenes MWD also provides potable water service to its entire service area and Triunfo Sanitation District provides potable water service to the Oak Park portion of their service area. In both cases, 100% of the potable water is imported via the State Water Project and then purchased from the Metropolitan Water District of Southern California. The agencies comprising the Authority have a long history of providing recycled water in their respective service areas starting in the 1970s. In the case of Las Virgenes MWD, 20% of its current annual water demand is met with recycled water. Today the Authority has an extensive investment in facilities that span two counties, making beneficial use of a resource that would otherwise go to waste. The planning process and investment in expanding this local resource continues; as an example, the recycled water master plan completed in 2007 identifies over \$25 million in potential expansions to the recycled water system.

In the interests of potable water conservation, beneficial reuse and compliance with the terms of our NPDES permit, we have a compelling interest in continuing to promote and expand the use of recycled water on behalf of the ratepayers who have funded the system. The Authority supports the concept of a general permit and believes that certain changes would improve it. However, we do have some concerns that the general permit could have the opposite result, which is one of deferring or reducing the use and expansion of this valuable resource if changes are not made.



Our concerns are:

#### Simplicity

The focus of the general permit needs to remain on the intent of the legislation and that is simplifying the permitting process of recycled water landscape projects to expedite and facilitate these types of projects for the benefit of the state. Keeping this in mind, simplicity should be the goal of the permit, and duplication of existing regulation should be avoided. Titles 16 and 22 have established regulations to assure the safe application of recycled water for irrigation, as well as other uses. There is no reason to duplicate existing regulatory requirements in the general permit creating confusion and duplicity. Rather incorporate these existing regulations by reference.

#### The Definition of a "Recycled Water Use Area":

Please modify the definition of a "recycled water use area" to "recycled water *systems*." Our concern is practical: neither the state nor local governments have the resources to administer the proposed Monitoring and Reporting Program (MRP) contained in the draft general permit for each connection to a recycled water system. The Authority has over 600 recycled water customers ranging from small irrigated green belts to large golf courses. Shall each of these customers and any new customers wishing to connect to an existing, already-permitted recycled water system have to first submit an Operations Plan and an Irrigation Management Plan? It is neither reasonable nor practical to expect that the Authority, as the distributor, to examine each of those 600 use sites on a daily and weekly basis. This requirement of customer level individual plans is inconsistent with the Recycled Water Policy. Our service area is well over 125 square miles, spans five cities and two counties; it is not physically possible to meet the proposed requirements. Without modifying the definition of a "recycled water use area" as we suggest, the requirements of the MRP will be extremely burdensome, if not insurmountable.

#### Prohibitions

In the Authority's service area, at least 70% of the potable water used on property zoned as single family residential (SFR) is used outside the home. Prohibition 3 prohibits the use of recycled pursuant to this general permit for use on property zoned as SFR. Conservation and the use of recycled water on single family residential landscape must be encouraged and facilitated by the State Board if the goals of the Recycled Water Policy of increasing the use of recycled water over 2002 levels by at least one million acre-feet by 2020 and by at least two million acre-feet per year by 2030 are to be met. We suggest that this prohibition be removed.

Prohibitions 4, 5 and 6 address the scope of the General Permit's applicability. Prohibition 4 restates Title 22's requirement that the recycled water is not for human consumption or to process food or drink for humans. Prohibition Nos. 5 and 6 states that the General Permit does not apply to groundwater recharge reuse projects or cooling towers or other industrial uses, respectively. These provisions relate to circumstances outside of the landscape irrigation context, which is the subject of the general permit. We suggest that the Board delete prohibitions 4, 5 and 6 and address them in a separate, abbreviated and newly created finding addressing the scope of permit applicability.

Prohibition 8 would prohibit recycled water use where the California Department of Public Health (CDPH) determines there is a mere "concern" with constituents of emerging concern (CECs). What might constitute a concern is unclear and therefore left open to interpretation. Moreover, Prohibition No. 8 is contrary to the Recycled Water Policy, which deems the science regarding CECs to be insufficient to support regulation and calls for the establishment of a Blue Ribbon Panel. Consistent with the Recycled Water Policy, the general permit should defer any CEC-related requirements until after the science-based process underway establishes that such requirements are appropriate.

Prohibition 11 would prohibit the use of recycled water within 50 feet of any surface water without regard to compliance with the Recycled Water Policy, Title 22 and the applicable BMPs or the absence of any water quality threat. This is not a typical requirement for existing landscape irrigation projects and would prevent coverage under the general permit for these and future projects.

This permit governs only landscape irrigation, yet Prohibition 16 would import Proposition 65 *drinking water* requirements into the permit. The list of Prop 65 chemicals is extensive, and this provision would severely limit irrigation projects. It is unclear what purpose this prohibition serves and why it is included. It should be deleted.

We strongly urge the Board to reconsider the prohibitions contained within the general permit.

#### Master Reclamation Permits:

We are pleased that producers and distributors have the option to retain coverage under a master reclamation permit. This provision should be expanded to include Water Reclamation Requirements (WRR) and Waste Discharge Requirements (WDR) for those systems that are currently permitted. In our case the WRR and WDR for our recycled water system is functional and has facilitated the expansion of the system to meet 20% of the potable demand. Clarification should be included that does not allow a regional board to force enrollment under the general permit unless the producer and distributor chooses to do so.

#### Role of the Single Primary Distributor:

Item no. 8 of the general permit would require that a single distributor declare responsibility for the administration of the recycled water program when more than one distributor is involved with the distribution system. This puts the regulatory burden on one distributor without the legal authority to oversee the other distributors' operations or compliance. When multiple distributors are involved the regulatory responsibilities and the administration of the general permit should be the responsibility of each distributor and should cover only that portion of the distribution system that they have legal authority over.

#### Best Management Practices (BMPs):

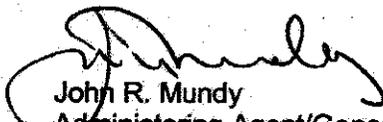
Many of the BMPs listed in Attachment C are duplicates of BMPs that are found in Title 22, Title 16 and many Potable Water System permits. Again there is no need to duplicate existing requirements in the general permit rather, simply refer to existing regulations. However there are a few BMPs that are impractical. As an example it is an unreasonable expectation that our agency, with over 600 recycled water customers spread over 125 square miles, can detect

leaks such as a broken sprinkler head and correct that condition within 72 hours. We believe that the intent of this list of BMPs is to provide a "menu" of choices that can be implemented depending upon site and system specific requirements. Including them as an attachment may lead some to want to enforce all of them regardless of their applicability.

We urge the Board to not include Attachment C but rather reference the need to implement BMPs and incorporate by reference existing regulations. The Authority agrees with the intended goals of the draft general permit of promoting the expanded use of recycled water in the state, of creating local non-potable supplies while reducing the amount of imported water and any related impacts on the climate, as well as providing consistency in setting regulations. The Authority is a leader in the use of recycled water and has developed an extensive recycled water system that makes use of a valuable resource not only to our ratepayers, but benefiting all people of the State of California. We urge you to consider adopting the changes we suggest so the general permit meets its intended goals and does not generate the opposite result of deterring, if not eliminating the use of recycled water.

If you or your staff have any questions, please call David Lippman on my staff at 818-251-2221.

Sincerely,



John R. Mundy  
Administering Agent/General Manager