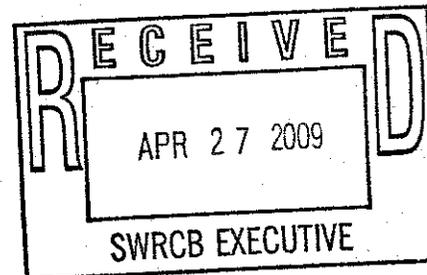


File: 70-0-14 General - Recycled Water

Via Electronic Mail & U.S. Mail

April 27, 2009

Charles R. Hoppin, Chair and Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



ATTN: Jeanine Townsend, Clerk to the Board
commentletters@waterboards.ca.gov

Subject: **COMMENT LETTER - GENERAL WASTE DISCHARGE REQUIREMENTS FOR
LANDSCAPE IRRIGATION USES OF MUNICIPAL RECYCLED WATER**

Dear Chair Hoppin and Members of the Board:

The Sonoma County Water Agency (Agency) supports the Proposed Adoption of State Water Resources Control Board Water Quality Order No. 2009-XXXX-DWQ, "Draft General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water (General Permit). However, the Agency has several concerns about language in the Draft Permit. Following are our concerns;

Prohibitions:

1. Eliminate the use of "zoned" in Prohibition No. 3. "Zone" is too broad and would prohibit the use of recycled water for the irrigation of landscape that the General Permit purports to cover (e.g., parks, street scapes, and medians).
2. Delete Prohibition Nos. 5, 7, and 8. Include them as eligibility requirements—i.e., as part of the determination for coverage upon submittal and review of the NOI. If and when used as eligibility criteria, the applicant should have guidance on what may constitute a "complex plumbing schema" or a "concern" related to CECs
3. Revise Prohibition No. 10 to clarify that discharges prohibited unless authorized by a permit under the NPDES program are discharges to waters of the United States. Suggested revision:
"The direct or indirect discharge from use areas of recycled water to surface waters of the United States, either perennial or ephemeral, including wetlands, vernal pools, etc. is prohibited, unless otherwise authorized by an NPDES permit."

4. Revise Prohibition No. 11 to refer to "impoundment" instead of "storage" and delete the 50-foot application requirement. Title 22 does not prohibit the storage of tertiary recycled water within 100 feet of a domestic well—just the impoundment. This distinction is important since unlined ponds may affect nearby wells, but a concrete or steel storage tank would not. Further, Title 22 does not prohibit irrigation within 50 feet of surface water. This overly restrictive requirement would impact many irrigation sites or preclude their coverage under the General Permit. BMPs and Prohibition No. 10 already address any related concerns. Suggested revision: *The application of recycled water within fifty (50) feet of a domestic well, and storage the impoundment of recycled water within one hundred (100) feet of a domestic well, unless approved by CDPH, and the application of recycled water within fifty (50) feet of surface water is prohibited.*
5. Delete Prohibition No. 16. Its purpose is unclear since Proposition 65 addresses sources of drinking water and the recycled water being permitted will irrigate plants. Moreover, public agencies are exempt from Section 25249.5 of the Health and Safety Code, so the prohibition may be superfluous except where the water purveyor happens to be an investor-owned utility. Conversely, if the purpose is to prohibit recycled water use that includes any Proposition 65 chemical at any detectable level, the result would be to preclude almost all irrigation projects from coverage under the General Permit. Recycled water—like all water supplies—may contain trace amounts of these constituents.

Specifications:

1. Revise Specification No. 4's reference to "waste constituents" and use the language of the Recycled Water Policy. Delete Specification No. 5, and delete or revise Specification No. 6. Specification No. 4 inappropriately characterizes tertiary recycled water as "waste constituents." Neither Specification No. 4 nor 5 tracks the language carefully chosen for the Recycled Water Policy through its stakeholder-driven process. In addition, Specification No. 5 is redundant with Specification No. 4. Specification No. 6 is inconsistent with and exceeds the standards in Title 22 as well as CDPH project-specific recommendations for disinfected tertiary recycled water.

Specification No. 4 Suggested revision: *Application of recycled water ~~waste constituents~~ to the Use Area shall in amounts and rates as needed for the landscape (i.e., at agronomic rates and not when the soil is saturated) ~~be at reasonable agronomic rates and shall consider soil, climate, and nutrient demand.~~ Application rates shall ensure that a nuisance is not created. Degradation of groundwater, considering soil, climate, and nutrient demand, shall be minimized consistent with applicable provisions of the Recycled Water Policy.*

Alternative for Specification No. 6: *Use Areas that are spray irrigated and allow public access shall be irrigated during periods of minimal use (e.g., between 9 p.m. and 6 a.m.). Consideration shall be given to allow maximum drying time prior to subsequent public use. Irrigation may take place during periods when the general public may be present if the irrigation system is manually controlled and monitored by Use Site staff to prevent unintentional contact with the general public.*

2. Revise Specification No. 7 so that it cannot be interpreted to require that all irrigation piping at each Use Site be replaced with purple pipe or have tags, tape, or stickers applied to the existing pipe. CDPH and the local health departments require this level of pipeline identification only for new pipelines during installation or on replacement pipelines. Suggested revision: *All ~~reclamation~~ recycled water equipment, pumps, piping, valves, and outlets shall be appropriately marked to differentiate them from potable facilities. All ~~reclamation~~ newly installed or replacement recycled water distribution system piping shall be purple or adequately identified with purple tape, tags, or stickers per Section 116815(a) of the California Health and Safety Code.*
3. Delete Specification No. 9 or modify it to allow for variances. Specification No. 9 appears to be old permit or guidance language and would render many retrofit projects infeasible.
4. Specification No. 12 should allow for the use of alternative signage in accordance with Title 22 and not refer to recycled water as "wastewater." Consistent with Title 22, many agencies develop and use alternative signage that is more appropriate for the use site and provides at least as effective notification as that in Specification No. 12. In addition, "agua de desperdicio reclamada" translates to "reclaimed wastewater." This is inconsistent with the Water Code and Recycled Water Policy.

Provisions:

1. Revise Provision No. 5 to be consistent with the Recycled Water Policy—delete the requirement for an individual Irrigation Management Plan and require Provisions 5.c through 5.g in the NOI. The contents of the O&M Plan are overly prescriptive, inconsistent with existing permit requirements and violate the spirit of the Recycled Water Policy and goals of the General Permit. As a result, the O&M Plan requirements would discourage coverage under the General Permit. If characteristics of a given site require special mention (e.g., Provisions 5.b.i through 5.b.vi), the O&M Plan may identify such characteristics. This would allow an O&M Plan to cover multiple sites as appropriate, which the Recycled Water Policy specifically calls for with regard to such plans. Suggested revision for Provision No. 5: *Each landscape irrigation project shall be subject to an operations and management plan (O&M Plan) that may apply to multiple sites, specify the agronomic rate(s) and describe a set of reasonably practicable measures to ensure application at rates needed for the landscape. The O&M Plan may include water budgets for the use areas, site supervisor training, periodic inspections, tiered rate structures, the use of smart controllers, or other appropriate measures.*
2. Provisions No. 10: In addition to persons registered to practice in California pursuant to California Business and Profession Code 6735, 7835, and 7835.1, include persons certified by the SWRCB Operator Certificate Program with a Grade IV or V Certificate or persons certified

by the CDPH Drinking Water Treatment and Distributions Operator Certificate with a Grade III or IV.

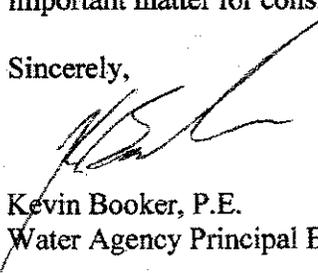
3. Provision No.15: Delete the requirement to notify the Office of Emergency Services (OES). Water Code Section 13529.2 requires notice of an unauthorized release of 50,000 gallons or more of recycled water to the appropriate regional water quality control board, but not OES. Suggested revision for Provision No. 15: The unauthorized discharge of 50,000 gallons or more of "disinfected tertiary recycled water" shall be reported as described in Provision C.14, except that consistent with Water Code section 13529.2, no notice is required for the Office of Emergency Services.

Monitoring and Reporting Program:

1. Monitoring and Reporting Program, Recycled Water Use Area, logbook information, No. 6, the second to the last sentence should be revised to "The Logbook should also include a detailed account of nutrient additions, which comes from the use of recycled water, to the Recycled Water Use Area.
2. The requirement for weekly inspections is unnecessary and an unreasonable use of scarce resources. Instead, the Producer or Distributor should ensure that periodic inspections are conducted of the Use Areas at intervals appropriate to the use and site. In addition, the State Water Board should revise the MRP so that detailed information required in the logbook relates only to incidents and not typical operations compliant with the General Permit.

The Agency commends the State Water Resources Control Board's staff for its effort to bring this important matter for consideration. We appreciate your consideration of these comments.

Sincerely,



Kevin Booker, P.E.
Water Agency Principal Engineer - Operations

c: Pamela Jeane - SCWA