

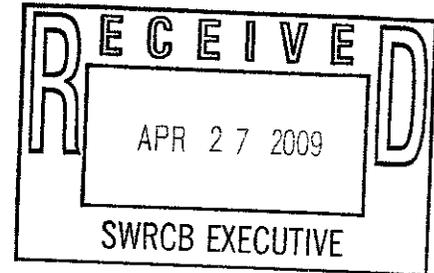


17140 S. Avalon Blvd., Suite 210, Carson CA 90746 310-217-2411 www.westbasin.org

Public Comment  
Landscape Irrigation GP  
Deadline: 4/27/09 by 12 noon

April 22, 2009

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



ATTN: Jeanine Townsend, Clerk to the Board

**Comments – DRAFT WDR FOR LANDSCAPE IRRIGATION USES  
OF MUNICIPAL RECYCLED WATER (General Permit)**

Dear Chairman Hoppin:

West Basin Municipal Water District (West Basin) appreciates the opportunity to comment on the General Permit for Landscape Irrigation Uses of Municipal Recycled Waters (General Permit). As a public agency responsible for supplying drinking water to nearly one million people in Los Angeles County, West Basin's interests are best served by protecting water quality. West Basin further understands that depending on one source of water in this arid climate can put this region and its citizens at risk. Therefore, West Basin has carefully diversified its water portfolio over the past decade and is proud of its water recycling efforts to meet the needs of the people, industry and environment.

Advancing water recycling, however, has had its regulatory challenges. The State Water Resources Control Board has clearly taken great steps to work with the recycled water industry to further the promotion of much needed recycled water. This General Permit is one such important step. West Basin would like to thank you in advanced for the opportunity to share a few concerns that we would appreciate the Board consider when finalizing this permit:

General Concern – Board staff, industry professionals and community environmental groups worked very hard to develop a Recycled Water Policy (Policy) this past year. This General Permit as currently drafted seems counter to the great progression made by the Policy. Furthermore, the spirit of any general permit should be to carefully streamline a process – not to short circuit regulatory authority, but streamline the efficiency of its implementation. A more carefully written permit that is compliant with the Policy would not only allow for easier understanding to the permittees, but also assist the regulation staff that must write and issue the permit. Simplicity and clarity only help all parties involved.

Below are a few simple points West Basin appreciates being able to note:

- Statements in the draft General Permit are at times redundant and un-necessarily wordy. Our suggestion is, where needed in the document,, insert the statement, "Permittee must comply with all Title 22 of the California Code of Regulations (Title 22)." This could be done through out the permit and create a shorter more concise permit while still including all protections. In addition, instead of repeating some Best Management Practices (BMP) in various spots of the

document, stating that "the four BMPs specified in the Policy shall be implemented" would be a clear direction. Finally, on the same theme, a statement referring permittees to the Policy for direction on the operation and management plan (O&M Plan) would help simplify the permit, while still including policies consistent with the intent of the Policy.

- A number of the findings and prohibitions in the General Permit undermine its purpose. These findings and prohibitions characterize recycled water as a waste rather than valuable resource. For example, the findings generally create the impression that recycled water is a water quality threat. While West Basin understands the need to regulate this product carefully, this repeated characterization is inconsistent with the Policy as well as the Water Code. Water Code section 13050(n) defines "recycled water" as "water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource." Correcting this tone would be helpful for all parties involved and more consistent with your February 2009 Policy.
- Some of the discharge prohibitions in the General Permit relate to its scope of applicability or are inconsistent with the Policy or Title 22 regulations. These provisions relate to circumstances outside of the landscape irrigation context, which is the subject of the General Permit. West Basin would suggest that the Board delete Prohibition Nos. 4, 5 and 6 and address them in a separate, abbreviated and newly created finding addressing the scope of permit applicability.
- Referring to the Policy in the general permit in relation to CEC's would be more appropriate at this time, instead of including Prohibition No. 8 that would prohibit recycled water use where the California Department of Public Health (CDPH) determines there is a mere "concern." This is another vague and unclear message for a general permit that should be intended to create efficiency. Prohibition No. 8 is contrary to the Policy and the General Permit should defer any CEC-related requirements until after the science-based process underway establishes that such requirements are appropriate.
- Prohibition No. 12 should simply refer again to Title 22 regulations instead of establishing separate confusing criteria. This prohibition requires use areas to display a sign to notify the public not to drink the recycled water. The sign must include certain wording and an international symbol. However, Title 22 regulations allow for the use of alternative signage and wording or an educational program where the alternative provides equivalent notification. (Cal. Code Regs, tit. 22, § 60310.) In practice, recycled water distributors, producers and users find alternative signage and wording more appropriate and effective for some use areas.
- 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 any why it is included.
- West Basin understands the value of extensive monitoring. However, the monitoring and reporting requirements for EACH USER do not necessarily promote the water quality of a region and only render many recycled water projects infeasible. The provisions would also create disincentives for General Permit coverage and for irrigators to use recycled water instead of potable and other water sources. For example, Provision No. 5.C requires multiple levels of

documentation for each user site for submittal to the Board before a project may begin. These levels include an operations plan, general irrigation management plan, individualized irrigation management plan, and an approved Title 22 engineering report. This is typically done at a producer level and is just as effective.

- The requirement for individualized management plans for EACH site (no matter the size – small park, golf course, and even street median) is inconsistent with the Policy, which specifies that a plan may apply to multiple sites. In addition, the General Permit's requirements in the monitoring and reporting program to monitor daily, is un-useful and only creates a stereotypical government paper pile rather than providing any benefit to water quality. Weekly site investigations and annual reports for each use area would be excessive and unnecessary for many landscape irrigation projects and are better done at a producer level.
- West Basin and many other agencies are very proud of their relationship with recycled water users, training programs and regular site visits. We would be happy to share with you our processes that we find effective as well as serving both the customer and the protection of water quality without creating an over zealous and ineffective monitory program.
- The General Permit should be clearer as to how it relates to existing individual and master reclamation permits. For example, the General Permit should state whether existing WDRs or WRRs that regulate landscape irrigation projects are to be rescinded by the Regional Water Boards once the project is covered under the General Permit. In addition, the General Permit should explain the conditions under which a Producer, rather than a Distributor, may sign the notice of intent. Consistent with the Policy, the Permit should make clear the ability to enroll under the General Permit or proceed with a project before a salt and nutrient management plan for the basin or sub-basin is complete.

West Basin appreciates the opportunity to be a part of the permit making processes. West Basin is excited by the idea of a General Permit, and sees the need for that permit to be both consistent with Title 22 regulations and your newly adopted Policy, as well as a simplified approach for the benefit of the distributor/user and regulator that effectively encourages the appropriate use of recycled water so both can proceed with managing the water recourses of California in a straightforward manner. For further information, feel free to contact me at (310) 660 -6210 or Uzi Daniel, Senior Environmental Analyst, at 310 660-6245. Your assistance and that of your staff is always greatly appreciated.

Sincerely,

  
Rich Nagel  
General Manger

cc: Uzi Daniel  
Paul Shoenberger  
Wyatt Won  
Cal WateResuse