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Coachella Valley Water District

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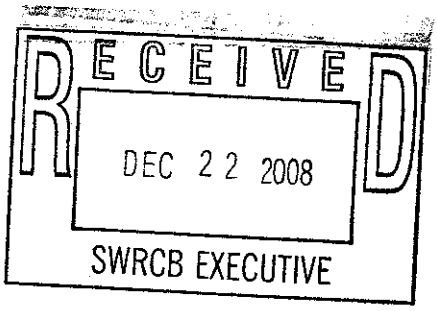
December 22, 2008

File: 0022.
Recycled
Water



Tam Doduc, Chair, and Members
Attention: Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
Post Office Box 100
Sacramento, CA 95812

Dear Chair Dudoc and members of the Board:

Subject: Comment Letter - Proposed Recycled Water Policy

The Coachella Valley Water District (CVWD) appreciates the opportunity to comment on the proposed Recycled Water Policy (Policy) for California. CVWD provides domestic water, wastewater, recycled water, irrigation/drainage and regional stormwater protection services to a population of 265,000 throughout the Coachella Valley in Southern California. CVWD has also taken a lead role in groundwater management in the Coachella Valley by importing surface water for groundwater replenishment, encouraging water conservation and developing in-lieu groundwater recharge projects that depend on using alternative non-potable water supplies that include recycled water.

Your consideration of the following comments provided for the subject Policy is appreciated:

1. Page 2, line 39. We recommend that the phrase "from municipal wastewater sources" be replaced with the phrase "as defined in Water Code section 13050(n)" to better define recycled water covered by the subject Policy.

2. Paragraph 4.a.(1). This paragraph should begin with a statement that provides the most recent annual amount of recycled water used in California so that the relative increase in recycled water use is provided for this mandate.

3. Paragraph 6.b.(1). This paragraph states local water and wastewater entities, together with local salt/nutrient contributing stakeholders, have agreed to fund salt and nutrient management plans for each basin/ sub-basin in California. This finding is not true. While associations representing water and wastewater agencies have been involved in the

development of this Policy and support a locally driven, controlled and funded process for developing these plans, many local water agencies and large groups of salt/nutrient contributing stakeholders have not been involved in this process. For example, the agriculture industry is a major stakeholder in salt/nutrient loading that is largely unaware of this Policy or the impact that it will have on their operations because this Policy was presented as a "recycled water policy." This incorrect finding reflects the continued effort by the State Board to gloss over a primary objective of the Policy, which is to develop salt/nutrient management plans that reach far beyond recycled water projects.

This finding also indicates plans would need to be developed for each basin/sub-basin in California. This is a significant change from the proposed Policy scheduled for adoption by the State Water Board in May 2008, which would have required these plans only for basins in areas that have existing recycled water projects or areas where Regional Water Board staff have received an application for a recycled water project. Again, this is a clear effort to expand the scope of this Policy beyond that needed to cover recycled water projects and fails to reach out directly to non-recycled water project related stakeholders. There is no justification for using a Recycled Water Policy to require salt/nutrient management plans for basins/sub-basins that have no existing or planned recycled water projects.

4. Paragraph 6.b.(1)(d). This paragraph should be revised to increase the period allowed for completing salt and nutrient management plans from 7 to 10 years when stakeholders are making substantial progress towards completing their plans. This period is consistent with the 10-year (5-year target plus a 5-year extension) that was included in the proposed Policy that was scheduled to be adopted by the State Water Board in May 2008. The 5-year requirement, and 2-year extension, included in the current proposal will not be enough time to complete all of these plans particularly for large complex groundwater basins that may have hundreds of stakeholders. A 10-year period is also consistent with the amount of time needed by the Santa Ana Regional Water Quality Control Board to develop the plan for the Santa Ana River groundwater basin that has been referenced as a model salt and nutrient management plan for groundwater basins.

5. Paragraph 7.a.(1). Instead of reducing the regulatory uncertainty to encourage recycled water projects, this paragraph acts to increase regulatory uncertainty by stating that incidental run-off may be regulated by National Pollutant Discharge Elimination System (NPDES) permits. This single statement does more to discourage recycled water projects in California than any of the remaining provisions combined act to encourage recycled water projects. The water quality objectives and California Toxics Rule requirements triggered by NPDES permits will make recycled water projects too expensive to implement. The State Water Board needs to make a clear statement in the Policy that incidental run-off from recycled water use areas does not trigger NPDES permit coverage. Existing recycled water use permits already include controls that address discharges from recycled use areas that are not incidental. By definition, incidental run-off represents unintended small volumes of runoff that escapes the

use area. These small volumes of water would have an insubstantial physical, biological or chemical affect on surface waters and would need no NPDES permit. The State Water Board needs to use this opportunity to provide clear guidance to the Regional Water Boards that the State will not let deminimus risks from incidental runoff derail the State's effort to increase recycled water use.

6. Paragraph 7.b.(3). The intent of this paragraph is to provide a timely process to remove the uncertainty involved in the current permit process which can take many months or years to complete for some recycled water projects. However, the qualifying phrase, "from the date that the application is deemed complete by the Regional Water Board," just adds more uncertainty and fails to provide for timely notification of the applicant when the application is incomplete and what additional information is needed to complete the application. This paragraph should be revised to add a 30-day period for Regional Water Boards to notify applicants of incomplete applications. This paragraph should also state that an application is deemed complete when the applicant does not receive a notice from the Regional Water Board within 30 days that specifies the additional information needed to complete the application.

7. Paragraph 7.b.(4). This paragraph would require semi-annual priority pollutant and annual effluent monitoring for Constituents of Emerging Concern (CECs) for landscape irrigation projects. This exceeds the monitoring requirements currently required for drinking water sources and includes many parameters that are not associated with any existing water quality objective. The frequency of effluent monitoring for priority pollutants should be consistent with that already required in existing discharge permits. This frequency has been determined by evaluating the types of discharges received by the plant, the size of the plant and the type of treatment implemented at the plant. As for CEC monitoring, the monitoring frequency should be defined by the California Department of Public Health (CDPH) and the expert panel created to answer this specific question. The State Water Board acknowledges the state of knowledge regarding CECs is incomplete and an expert panel is needed to fill in this information gap. The CEC monitoring frequency listed in this paragraph should be replaced by a statement indicating that the frequency of effluent monitoring for CECs shall be based on recommendations from CDPH and the expert panel.

8. Paragraph 7.c.(2). This paragraph needs to clearly state that agronomic rates include the amount of recycled water application needed for the landscape to leach salts below the root zone. This process is a critical component of all landscape irrigation projects in areas that have soils that are naturally high in salinity or are using water sources with elevated levels of salinity. This leaching process requires application of irrigation water in amounts that exceed evapotranspiration (ET) requirements of the landscape. Restricting this leaching process will severely limit recycled water projects in many areas of the State.

   In addition, this paragraph should be revised to reflect the benefits of recycled water agencies and/or users developing single operations and management plans that are used for multiple irrigation projects.

9. Paragraph 8.b.(2). This paragraph should be revised to reflect recommended monitoring frequencies provided in comment No. 7 above.

10. Paragraph 11(a). This paragraph indicates the State Water Board will request the California Department of Water Resources provide $20 million of funding for developing salt/nutrient management plans during the next three years. We believe this request underestimates the funding needs for developing these plans. More than this amount was spent developing a single salt/ nutrient management plan in Orange County. We recommend that this funding request be increased to $40 million during the next three years. More funding could be requested at the end of this three year period.

If you have any questions or would like to discuss some of these comments, please call Steve Bigley, Environmental Services Manager, extension 2286.

Your very truly,

Mark L. Johnson
Director of Engineering

cc: Dave Bolland
Association of California Water Agencies
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