

Bay Area Clean Water Agencies

Leading the Way to Protect Our Bay

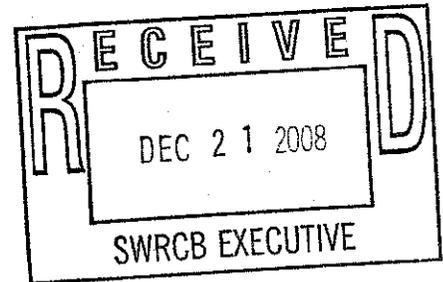
A Joint Powers Public Agency

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December 22, 2008

Tam M. Doduc, Chair
and Members of the State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: Proposed Recycled Water Policy – BACWA Recycled Water Committee's Comments

Dear Chair Doduc and Members of the Board:

The Bay Area Clean Water Agencies' (BACWA) Recycled Water Committee commends the State Water Resources Control Board (State Water Board) for recognizing the importance of recycled water and for its leadership in developing the proposed Recycled Water Policy. We appreciate the State Water Board's willingness to allow the stakeholder group, representing water, wastewater, and nongovernmental organizations an opportunity to work with your staff on the proposed Policy. We are aware that the Association of California Water Agencies, the California Association of Sanitation Agencies and the WaterReuse Association (the Associations) have submitted comments on the proposed Policy, and we endorse the language changes the Associations have recommended, with the exceptions, noted below.

We support the overall structure and approach of the proposed Policy and believe it is a significant improvement over the previous drafts. However, we urge the State Water Board to consider additional revisions to the proposed Policy to provide greater clarity, increase the practicality of implementation, and minimize the expenditure of public funds without desired results.

Salt/Nutrient Management Plans

We are pleased that the proposed Policy recognizes that salt and nutrient issues within groundwater basins cannot be resolved by focusing on recycled water use alone, and that the proper approach to addressing these issues is through locally controlled and driven plans, developed by broad groups of stakeholders, including water, wastewater, and stormwater agencies, the Regional Water Boards, and salt/nutrient-contributing stakeholders.

We are concerned that the Policy does not limit the salt and nutrient planning requirement to those basins where beneficial uses are impaired or threatened, or where high quality waters are in need of protection. While the Policy recognizes that the plans may vary in complexity, the policy may be interpreted that plans are required for all basins. Existing salinity management plans should be recognized, as well as projects for which the governing Regional Boards have determined that a salt/nutrient management plans are not necessary.

Since the development and implementation of the plans is critical in some areas, but not everywhere, it is important for the Policy to clearly include criteria that defines where plans should be developed so that limited public resources can be devoted to areas of real concern, and that water recycling agencies are not burdened with additional unnecessary costs that could inhibit water recycling projects and/or programs from moving forward to implementation. A reference to Sections 9.c. and 9.d. should be added to Section 6 to explain how projects will proceed during the interim period when salt/nutrient management plans are being prepared.

Does this policy call for groundwater monitoring for salts and nutrients in every basin and sub-basin in this large and diverse state? In the San Francisco Bay Area, there are recycled water projects located adjacent to the Pacific Ocean. The underlying groundwater basins can be brackish when it is hydrologically connected to the saline waters of the bay or ocean. We recommend that a provision be added to the Policy authorizing the Regional Boards to exempt from the salt/nutrient management plan requirements basins, or sub-basins where naturally occurring brackish groundwater precludes beneficial use of the sort that could be compromised by additional salts or nutrients.

While we agree that in most basins, stormwater recharge is beneficial, it needs to be evaluated at the basin/sub-basin scale because in some areas it can create unstable geologic conditions. Finally, the organization and structure of this section should be improved to provide a more useful outline of how to proceed with these plans. We support the language changes recommended by the Associations.

Monitoring Requirements

Another concern is that the Policy remains too specific and "permit-like" for Board policy. In several the areas of monitoring requirements, the draft Policy would mandate a particular minimum monitoring frequency, without regard to the circumstances of the project. We do not believe this is appropriate, and recommend that the monitoring frequencies be deleted from the sections dealing with landscape irrigation (Section 7.b.(4)) and groundwater recharge (Section 8.b.(2).)

With regard to constituents of emerging concern (CECs), BACWA agrees that our society needs to develop a better understanding of this issue and that understanding begins with data. It may not be necessary to require that every recycling project monitor for CECs in order to improve our knowledge of them. There will not be vast differences in the quality of the recycled water product and what CECs are present, given the source water. Therefore, we recommend that the Policy develop some criteria for knowledge acquisition and then at the Regional level permits can be developed with limited requirements for when, where and how much data is needed to develop this knowledge. Another approach would be to develop a research project through both the Aquatic Science Center and the Southern California Coastal Research Project. Imposing monitoring requirements on all recycled water agencies unfairly assigns responsibility of the issue of CECs to recycled water.

Incidental Runoff

Incidental runoff, by definition, consists of small amounts of unintentional runoff from irrigated sites. This is no different from the runoff that occurs at any irrigated site, regardless of the source of water used. We agree with the Associations that the Policy should state that incidental runoff does not pose a threat to water quality. In addition, we share the concern that the new language regarding incidental runoff is overly detailed and prescriptive for a Policy, and that

conditions regarding practices that are appropriate for a particular site should be left to the permitting process.

To address this concern, we propose that the language be revised to delete the specific requirements set forth in Section 7.a.(1) through (4) and replaced with a simple statement that water recyclers shall develop and implement an operations and management plan that provides for compliance with the site control requirements of Title 22.

Blue Ribbon Advisory Panel

BACWA supports additional research on CECs. As stated above we in California have two excellent research centers which are fully capable of working cooperatively with the Blue Ribbon Panel to conduct independent research on CECs and their relation to recycled water, groundwater and surface water. As the Chair and other Board Members clearly know, CECs are a societal issue reaching far beyond the recycled water policy. BACWA understands that this policy is a starting point for a better understanding of CECs in our waters. It is our expectation that the Blue Ribbon Panel will look deeper at sources of CECs, rather than lay all blame and concern for CECs on recycled water which is in reality a pathway.

The BACWA Recycled Water Committee appreciates the opportunity to provide comments on the proposed Policy and we look forward to working with the State Water Resources Control Board and other stakeholders to implement this Policy. If you have any questions on our comments please contact me.

Sincerely,



Michele Pla
Executive Director