

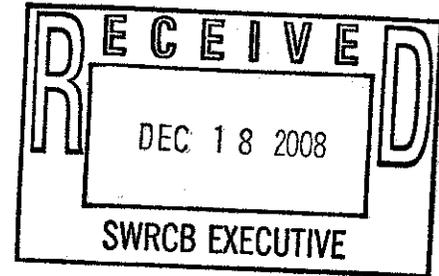


## IRVINE RANCH WATER DISTRICT

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December 18, 2008

Tam M. Doduc, Chair and Members  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812



**SUBJECT: Proposed Recycled Water Policy**

Dear Chair Doduc and Members of the Board:

On behalf of the Irvine Ranch Water District (IRWD), thank you for the opportunity to provide comments on the State Water Resources Control Board's (Board) proposed Recycled Water Policy (Policy). IRWD is hopeful the Policy assist in increasing the use of recycled water throughout California and, as one of the most reliable sources of water we have, in turn increase our state's water supply reliability.

IRWD is widely recognized as a leader in recycled water not only in California but throughout the nation. We were one of the first agencies in the state to distribute recycled water directly from our reclamation plant, and have been doing so for almost 40 years. The majority of IRWD's recycled water is used for landscape irrigation in parks, golf courses, school grounds, city street medians, homeowner associations and other public areas. Recycled water is also used for toilet and urinal flushing in more than 40 office buildings, as make-up water in cooling towers, and for industrial uses such as carpet dyeing. IRWD maintains more than 300 miles of a completely separate recycling pipeline system which, in fiscal year 2006/2007, delivered approximately 27,000 acre feet of recycled water to more than 4,000 customers. This represents approximately 28% of the total demand in our service area.

Increased use of recycled water is critical to California's water supply future. The proposed Policy should facilitate the beneficial use of recycled water throughout the state. We are encouraged by the draft Policy's recognition that recycled water is a vital component of California's present and future water supply. IRWD is pleased that many of the key themes developed in the stakeholder draft have been retained including the need to streamline and simplify the permitting process in order to increase recycled water use throughout California. Additionally, we appreciate the draft Policy's recognition of end uses of recycled water (i.e. irrigation uses versus indirect potable uses such as groundwater recharge) and the need for regulatory frameworks that are consistent with those uses. Recognition of the need for use-based regulatory requirements and clarification of the respective roles of the Board, Regional Boards, and the California Department of Public Health is an appropriate approach that we support and hope the Board encourages in practice.

Overall, while we are generally supportive of the overall structure and approach on the draft Policy, IRWD has several comments and concerns related to some of the changes from the stakeholder draft. We respectfully request that the Board consider additional revisions to the proposed Policy in order to provide greater clarity and increase the practicality of implementation.

As you know, the stakeholders were unable to come to agreement on the incidental runoff provisions of the Policy. IRWD has significant concerns related to the incidental runoff language in the current draft Policy. As written, the incidental runoff language is overly detailed, prescriptive and inappropriate in a policy document. The draft Policy includes specific, permit-like language related to leak detection, aim and design of sprinkler heads, rain events, and pond discharges. IRWD believes that conditions regarding these elements should be left to the Regional Boards through the permitting process.

Further, we are concerned that the current proposed language seems to create the potential for overlapping responsibilities for what is best described as enforcement. The responsibility to reduce or eliminate runoff, whether from a potable or non-potable source, generally resides with counties and cities through municipal separate storm sewer system (MS4) permits issued by regional boards to the counties and/or cities (permittees). To support permittees and their permit compliance efforts, recycled water providers should develop policies and practices that help reduce the amount of incidental runoff consistent with the requirements of Title 22 related to confining recycled water to the use area. Such policies and practices should address leak detection, proper design and aim of sprinkler head, proper practices during precipitation events and management of storage ponds and can be used by the MS4 permittees to support compliance.

We propose that the Section 7 a. be revised as follows:

7. a. *Control of incidental runoff.* Incidental runoff is defined as unintended small amounts (volume) of runoff from recycled water use areas, such as unintended, minimal over-spray from sprinklers that escapes the recycled water use area. Water leaving a recycled water use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence. Incidental runoff, except as addressed through waste discharge requirements, shall be regulated by the municipal separate storm sewer system (MS4) permit process or comparable regulatory requirements. Recycled water providers shall develop policies and practices to help MS4 permittees comply with the provisions of Title 22 related to confining recycled water to the use area. The policies and practices shall address leak detection, proper design and aim of sprinkler heads, proper practices during precipitation events and management of storage ponds and can be used by the MS4 permittee to support compliance.

~~Incidental runoff may be regulated by waste discharge requirements or, where necessary, waste discharge requirements that serve as a National Pollutant Discharge Elimination~~

~~System (NPDES) permit, including municipal separate storm water system permits, but regardless of the regulatory instrument, the project shall include, but is not limited to, the following practices:~~

- ~~(1) — Implementation of operations and management plan that provides for detection of leaks, (for example, from broken sprinkler heads), and correction either within 72 hours of learning of the runoff, or prior to the release of 1,000 gallons;~~
- ~~(2) — Proper design and aim of sprinkler heads;~~
- ~~(3) — Refraining from application during precipitation events~~
- ~~(4) — Management of any ponds such that no discharge occurs unless the discharge is a result of a 25-year, 24-hour storm event or greater, and there is prior approval for the discharge by the appropriate Executive Officer.~~

IRWD is aware that the Association of California Water Agencies, the California Association of Sanitation Agencies and the WaterReuse Association have submitted joint comments on the proposed Policy outlining a number of clarifying revisions that represent fixes to ambiguous language rather than substantive changes. IRWD is supportive of these suggestions. In addition, we urge the Board to consider clarifying language related to the definition of a "project." Currently, IRWD holds the permit for recycled water use issued by the Santa Ana Regional Water Quality Control Board. All recycled water use in our service area is governed by this permit. The use of the word "project" in the Policy could be interpreted to mean each individual customer's use site, suggesting that each golf course or landscape account is its own project and therefore needs its own permit or its own operation and maintenance plan. Such an interpretation would be detrimental to the Board's goal of simplifying the permit process in an effort to increase recycled water use throughout the state and may in fact discourage customers from considering the use of recycled water. It is important that the Policy be amended to clarify that a "project" is meant to describe the recycled water project of an agency which includes all recycled water use sites served by that agency.

Once again, we appreciate the opportunity to provide comments on this important Policy. IRWD applauds the Board for taking on this challenge and for allowing the stakeholder development process to move forward. Please do not hesitate to contact me if we can be of further assistance. Thank you for your consideration of our comments.

Sincerely,



Paul D. Jones II  
General Manager