



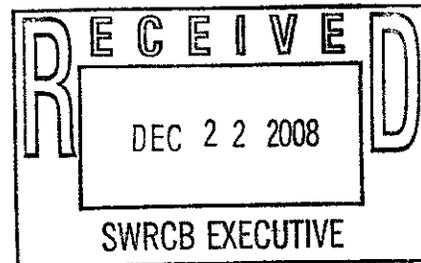
COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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Chief Engineer and General Manager

December 22, 2008
File No. 31-370-40.4A

Tam M. Doduc, Chair and Members of the Board
State Water Resources Control Board
Post Office Box 100
Sacramento, CA 95812-0100
ATTN: Jeanine Townsend, Clerk to the Board



Dear Chair Doduc and Members of the Board:

Comment Letter — Proposed Recycled Water Policy

The Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate the opportunity to provide comments regarding the State Water Resources Control Board's (State Water Board's) November 2008 proposed Recycled Water Policy (Policy). The Sanitation Districts serve the wastewater and solid waste management needs of over five million people in 78 cities and unincorporated areas within Los Angeles County. As part of that program, the Sanitation Districts operate ten water reclamation plants that currently provide some 94,000 AFY of recycled water to over 530 sites for a variety of uses, including landscape irrigation, agricultural irrigation, industrial processing, environmental enhancement, and groundwater recharge. Since the inception of our program in 1962, the Sanitation Districts have delivered over 2 million acre-feet of recycled water.

Increased use of recycled water is critical to California's water supply future. The Sanitation Districts believe that the overall structure and approach of the Policy encourages recycled water usage and is protective of the state's water supplies, and thus is an important step toward expanding the usage of this sustainable water supply. However, in order to provide greater clarity and increase the practicality of implementation, the Sanitation Districts believe that several changes to the Policy's detailed provisions are warranted. The suggested changes are described below.

Mandates for the Use of Recycled Water

The Sanitation Districts strongly believe that increased usage of recycled water is in the best interests of the state. However, as written, the mandates in Section 4.a.(1) of the Policy are not clear. In particular, they lack a reference date from which increases in recycled water usage will be measured. The Sanitation Districts recommend that a reference date be added to this section, to avoid confusion as to whether the mandates are being met.

Additionally, Section 4.b of the Policy states, "These mandates assume that there will be sufficient capital funding..." This statement could be interpreted to mean that the mandates will be enforced irrespective of whether or not sufficient funding is available to meet them. To provide clarity, the Sanitation Districts recommend replacing this statement with the following language, "These

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mandates are contingent upon the availability of sufficient capital funding...”, which we understand to be consistent with the intent of the stakeholder group that developed the draft Policy that was submitted to the State Water Board in September.

Salt and Nutrient Management Plans

One of the Sanitation Districts' concerns with the earlier State Water Board draft of the Policy was the inclusion of a requirement that individual water recycling projects be tasked with completion of salt management plans. The Sanitation Districts are pleased that the currently proposed Policy recognizes that salt and nutrient issues within groundwater basins cannot be resolved by focusing solely on recycled water use, and that the proper approach to addressing these issues is through locally-controlled and locally-driven plans, developed by broad groups of stakeholders, including the California Regional Water Quality Control Boards (Regional Water Boards). However, because it has not yet been agreed upon by stakeholders as to how to fund the development of salt and nutrient management plans, Section 6.b.(1) should be clarified. In particular, the language should be amended to state that it is “reasonable to expect” that stakeholder funding will occur. Additionally, the language should be clarified to indicate that local agencies are only expected to direct money to and participate in developing those salt/nutrient management plans that affect the specific basins in which that local agency has activities. Furthermore, while the Policy recognizes that the salt/nutrient management plans may vary in complexity, the Policy nevertheless requires plans for all basins, even those that are not threatened. Since the development and implementation of the plans is critical in some areas, but not everywhere, it is important for the Policy to clearly prioritize where plans should be developed, so that limited public resources can be devoted to areas of real concern. In basins where groundwater quality is not impaired or threatened and no new activities are planned, the deadline for development and submittal of salt and nutrient management plans should be extended to 10 years.

Incidental Runoff

Recognizing the diverse viewpoints among stakeholders on this issue, the Sanitation Districts believe that the State Water Board has appropriately addressed the issue of incidental runoff in the Policy. However, in order to improve the practicality of implementation of the incidental runoff provisions, the Sanitation Districts recommend one change. The Policy requires prior approval from the Executive Officer for discharges from ponds due to 25-year, 24-hour or greater storm events. There will be occasions when a storm is approaching and there is simply not enough time to obtain prior approval from the Executive Officer for such discharges. To accommodate such situations, the Policy language should be amended to simply require notification to the Executive Officer prior to such discharges. Alternatively, the language could be amended to state that Executive Officer approval does not need to be obtained for each storm event but could rather be obtained annually or once per permit cycle.

Other Uses of Recycled Water

While the Policy addresses landscape irrigation and groundwater recharge, two important categories of water recycling, other uses of recycled water should not be ignored. These uses include indoor industrial uses, dust control, soil compaction, and street sweeping. These recycled water uses should also be encouraged by the State and Regional Water Boards to ensure that the recycled water usage goals listed in Section 1 of the Policy can be achieved. To this end, the Sanitation Districts recommend that the State Water Board include a finding in the Resolution used to adopt the Policy to address these other recycled water uses. The finding should encourage the Regional Water Boards to take steps to promote and support other uses of recycled water, by actions such as either not regulating them because they pose no threat to water quality, issuing general permits, or approving additions of new uses and sites to existing permits in a streamlined manner. Additionally, the Sanitation Districts recommend that the State Water Board encourage the Regional Water Boards to use a tiered

Tam M. Doduc

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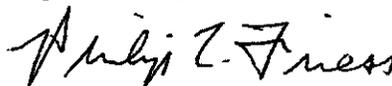
December 22, 2008

approach to antidegradation analyses for such uses and sites, wherein the degree of analysis required is related to the degree of risk of the use. Recycled water uses such as dust control, soil compaction, and street sweeping, which pose minimal risks, and indoor industrial uses, with no pathway to reach surface waters or groundwater, should be allowed with either little or no analysis.

The Sanitation Districts would like to reiterate our support for the proposed Policy and thank you for the opportunity to provide our comments. If you have any questions concerning this letter, please feel free to contact Raymond Tremblay at (562) 908-4288, extension 2801, or the undersigned at extension 2501.

Very truly yours,

Stephen R. Maguin



Philip L. Friess
Department Head
Technical Services Department

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