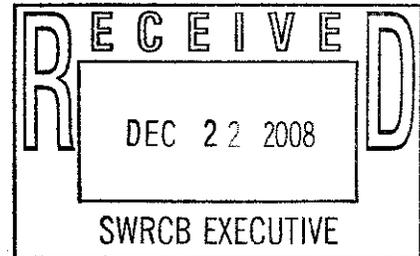




December 22, 2008

Tam Doduc
Chair, State Water Resources Control Board
1001 "T" Street
Sacramento, California 95814



Re: Comments on Proposed Recycled Water Policy

Dear Chair Doduc:

San Bernardino Valley Municipal Water District supports increasing the use of recycled water in California. Our District also supports the effort by the State Water Resources Control Board ("SWRCB") to encourage the use of recycled water. Our District believes that the current draft policy, dated November 4, 2008, should be clarified in several significant ways prior to adoption.

Specifically, the SWRCB should clarify that:

1. The draft policy only applies to the permitting of recycled water projects. The draft policy does not change the existing legal requirements for permitting other types of water projects (e.g., brackish groundwater desalinization or the increased capture of stormwater) and does not grant either the SWRCB or the Regional Boards new authority to permit such projects.

To implement this clarification, we suggest that: (i) the phrase "as defined in Water Code section 13050(n)" be added after the word "water" on page 2, line 39; and (ii) the following sentence be added to the end of paragraph 2(f), page 2, line 76: "Nothing in this Policy is intended to expand the authority granted by law to the State Water Board or the Regional Water Boards."

2. The draft policy is based on the assumption that there will be substantial state and federal funding for recycled water projects. If such funding is not available, it would be fundamentally unfair to require local agencies to pay the entire capital costs of such projects. As you know the Recycled Water Task Force estimated those capital costs at more than \$11 billion in 2003; the present cost of similar projects would be significantly greater.

To implement this clarification, we suggest that paragraph 4(b), page 3, line 110 be revised as follows: "The precondition for these mandates is the assumption assume that there will be ..."

3. The draft policy offers welcome flexibility in implementing the antidegradation policy by adopting the 10%/20% thresholds for the use of assimilative capacity. The draft policy



380 East Landerbilt Way
San Bernardino, CA 92408
P.O. Box 5906
San Bernardino, CA 92411-5906
Phone: (909) 386-1000 Fax: (909) 386-1007
www.valleysw.com

should clarify that the antidegradation policy only applies to "high quality" waters, i.e., those meeting all applicable water quality objectives.

To implement this clarification, we suggest that paragraph 9(b), page 11, lines 391-92 be revised as follows: "that could impact high quality waters, i.e., those meeting all applicable water quality objectives, are required to . . ."

4. Much of the draft policy, appropriately, focuses on how to improve the permitting process for recycled water projects. It would be more clear for the reader if the policy were divided into two sections, the first entitled "Recycled Water Policy" and the second entitled "Implementing the Policy." Paragraphs 1-3 and 10 would be included in the section entitled "Recycled Water Policy" while paragraphs 4-9 and 11 would be included in the section entitled "Implementing the Policy."
5. The draft policy declares that the use of recycled water is a benefit to the State of California and states that there will now be broadly drawn "mandates" for the use of recycled water. The SWRCB should clearly state that, in encouraging the use of recycled water, it *does not intend* to discourage the use of existing facilities, particularly those that have been funded by revenue bonds or other similar financial instruments. Moreover, the SWRCB should clearly state that the adoption of the draft policy is not intended to interfere with water agencies seeking to build new facilities that would use alternative sources of supply. For instance, our District is considering whether to invest substantial time and effort in stormwater capture and groundwater recharge projects. It would be unfortunate if, in promoting the use of recycled water, the SWRCB were to discourage such projects that also create new water supplies for California.

To implement this clarification, we suggest that the following sentence be added to paragraph 2(b), page 2, line 58: "Nothing in this Policy is intended to interfere with the use of existing water projects or to prevent water agencies or the State of California from developing new sources of supply."

Thank you for the opportunity to present these comments. Once again, we commend the SWRCB for taking the time and effort to develop a statewide policy that will encourage the use of recycled water in California.

Very truly yours,

Randy Van Gelder
General Manager

cc: Board of Directors

Board of Directors and Officers

EDWARD B. KILLGORE
Division 1

GEORGE A. AGUILAR
Division 2

C. PATRICK MILLIGAN
Division 3

MARK BULOT
Division 4

STEVE COPELAN
Division 5

RANDY VAN GELDER
General Manager