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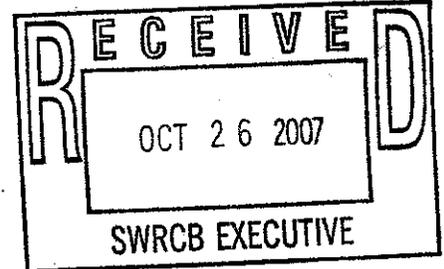
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12/4/07 Bd. Mtg.
Water Recycling Policy
Deadline: 10/26/07 Noon

October 26, 2007

Project No: CIP W253, W.O. 30101

Ms. Tam M. Dudoc, Chairwoman and Members of the Board
ATTN: Ms. Jeanine Townsend, Acting Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-00100



Subject: Proposal to Develop a State-wide Water Recycling Policy

Dear Chair Dudoc and Members of the Board:

The Otay Water District (District) is encouraged by the State Water Resources Control Board's proposal to develop a state-wide water recycling policy. These efforts by the Board to promote the use of recycled water and to achieve consistency in the permitting and regulation of water recycling are to be commended. The District has been a pioneer in the use of recycled water and in recognizing that it is a valuable resource for California's water future. This is particularly important when considering the water supply emergencies that our State is facing now and in the future.

We feel that there are four major issues that require further discussion and analysis in the proposed criteria and would like to offer the following comments on these issues.

Recycled Water Total Dissolved Solids (TDS) Concentration for Irrigation Projects

The proposed policy states that the TDS concentration in recycled water may not exceed the monthly average TDS concentration of the source water plus 300 mg/L. We agree that TDS control is important, but many recycled water producers including, the District, will have difficulty meeting this standard and believe that the State Board should do a more detailed analysis to establish a reasonable standard, based on basin standards. The policy states that a recycled water producer can limit the TDS concentration in its source water through control of industrial discharges and self-generating water softeners, but does not specify how this was determined or what studies were done to support this claim. Based on our experience, this may not result in the improvement in TDS as some may expect.

Nutrient Management Plan for Irrigation Projects

The proposed policy includes a requirement for the development and implementation of a nutrient management plan from each recycled water user. This requirement would place a significant workload and economic burden on recycled water suppliers and users that would discourage their use of recycled water. The workload for the Regional

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Boards to review, approve, and monitor these plans would also be significant. A more detailed analysis of the economic and technical feasibility and the water quality benefits of these plans is warranted.

National Pollutant Discharge Elimination System (NPDES) Compliance

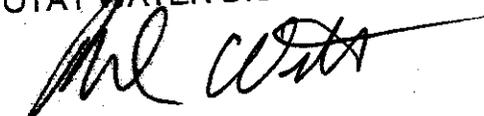
The policy states that the waste discharge and water reclamation requirements shall include a provision mandating compliance with NPDES requirements, but it does not specify how recycled water suppliers or users would comply with those requirements. Compliance with NPDES requirements should be implemented in a manner that protects surface water supplies, while still allowing the beneficial use of recycled water for irrigation. The minor amounts of irrigation water, such as overspray or runoff associated with normal sprinkler use, do not pose a water quality threat and over regulation of these occurrences is unacceptable. It is recommended that the Policy specify that incidental amounts of recycled water runoff from urban irrigation projects be considered "irrigation water" that can achieve compliance with NPDES requirements through MS4 regulation of illicit non storm-water discharges under existing permits.

Strict Liability

The strict liability reference in the policy should be removed, as it does not consider the significant public benefit to developing local recycled water supplies. It burdens the recycled water suppliers with the greatest share of the risk associated with emerging contaminants. This strict liability approach, which makes recycled water suppliers liable for any future impacts to groundwater from unknown contaminants, is based on the erroneous assumption that recycled water for irrigation and groundwater recharge will be the primary source of these emerging contaminants in drinking water and groundwater supplies. Recycled water is an important and accepted water supply and should be held to the same standards as other sources of supply.

We appreciate the opportunity to provide comments on these key issues for this important policy. If you have any questions regarding this letter, please contact Lisa Coburn-Boyd at (619) 670-2219.

Sincerely,
OTAY WATER DISTRICT



Mark Watton
General Manager

cc: Manny Magaña
Rod Posada
Lisa Coburn-Boyd