

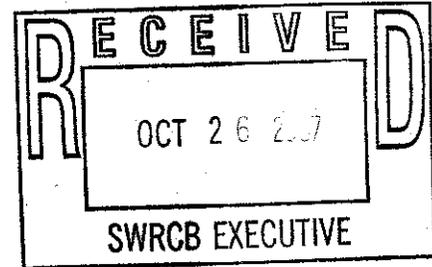


CALIFORNIA URBAN WATER AGENCIES

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

October 26, 2007

Tam Doduc, Chair
and Members of the
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
Attn: Jeanine Townsend, Acting Clerk to the Board



Subject: Comment Letter – Water Recycling Policy

Dear Chair Doduc and Members of the Board:

California Urban Water Agencies (CUWA) commends the State Water Resources Control Board (State Water Board) for recognizing the importance of recycled water and for its leadership in developing a Water Recycling Policy (Policy) that will be consistently applied throughout the state. CUWA is comprised of eleven public water agencies that provide drinking water to two-thirds of California's population. CUWA's members have invested hundreds of millions of dollars in recent years to diversify their water supply portfolios to reduce dependence on imported water and to develop balanced, sustainable, and reliable water supplies. Recycled water is a resource for a number of our members. When appropriately managed, recycled water can be safely used for irrigation and groundwater recharge. Groundwater supplies are also an important source of water for many of our members and we are encouraged that the State Water Board is developing a Policy that recognizes the need to protect the quality of our groundwater supplies.

CUWA supports development of this Policy because our members believe it will streamline the process of permitting recycled water projects and may have an ancillary benefit of improving the quality of surface water supplies by reducing wastewater discharges. The Sacramento-San Joaquin Delta (Delta) is a major source of supply for many of our members. Recycled water projects in the Delta watershed are beneficial when the recycled water replaces other water supplies. CUWA offers the following comments on the draft Policy.

State Water Board's Support for Recycled Water

CUWA supports the development of a Policy that recognizes and treats recycled water as a resource rather than a waste. The Policy should express the State Water Board's support for recycled water use more clearly and emphatically.

Human Health Based Requirements

For groundwater recharge projects, CUWA requests that the Policy state that Regional Boards must rely on the California Department of Public Health (CDPH) recommendations to establish human health requirements. It is particularly important to consider those constituents that are currently being evaluated for regulation in drinking water. Key components of the CDPH's recommendations should be the engagement of affected parties in a comprehensive investigation and evaluation of a given project, preparation of an engineering report, and a public hearing process before a final determination of human health based requirements is made. Using an inclusive and more holistic approach, there is greater assurance that practical solutions are implemented by the parties responsible to address present and future public health concerns of recycled water reuse.

The draft CDPH Groundwater Recharge Regulations require all groundwater recharge projects to have a plan approved by CDPH that provides an alternative source of domestic water supply or a CDPH-approved treatment mechanism to any user of a producing drinking water source, that as a result of a groundwater recharge project, has been degraded so that it is no longer a safe source of drinking water. The Policy should require regional boards to incorporate CDPH recommendations regarding these plans into permit conditions for the recharge project.

Salinity Management Plans

We commend the State Water Board for requiring basin-wide salinity management plans for groundwater basins where water quality objectives for salts are being, or are threatening to be, violated. Recycled water is one potential source; however, there are many other sources of salts in groundwater basins. We believe a stakeholder-driven basin-wide approach, rather than a project-by-project approach, is the best and most appropriate way to preserve groundwater quality.

CUWA supports the use of an interim salt management strategy. We do not support the use of an incremental total dissolved solids (TDS) increase of 300 mg/L state-wide. It will not adequately protect many of the high quality groundwater basins in the state and it may be overly restrictive and reduce the use of recycled water in other areas.

Nutrient Management Plans

Nutrient management plans are not needed for every project, particularly recycled water irrigation projects. The Policy should require the use of best management practices, such as proper application of fertilizers, to control nutrients in recycled water projects.

Liability

The existing language on liability should be replaced with an explicit statement that the Policy does not alter liability under existing law for contamination of groundwater. The financial means language in the Draft Policy is vague. CUWA does not believe that it is necessary or appropriate for state agencies to assess the financial capability of local agencies.

Local Water Agency Control

The Policy should recognize the role of local water supply and groundwater management agencies. Achieving the balance between water resource protection and recycled water expansion is best done based on local conditions and needs, in consultation with local water supply and groundwater management agencies, and consistent with groundwater management plans and basin plans.

Assembly Bill 1481

The Policy should recognize that Assembly Bill 1481 requires the State Water Board to set up eligibility criteria through a stakeholder process for landscape irrigation projects desiring coverage under a statewide permit.

Incidental Runoff

Recycled water irrigation projects are designed and operated to minimize incidental runoff. Incidental amounts of recycled water runoff that occur as the result of normal irrigation operations could be managed and permitted, if necessary, using existing mechanisms in the same manner as other types of irrigation runoff which use potable water sources, including, but not limited to, municipal separate storm sewer system permits, general permits, or de minimus threat general permits.

Irrigation Projects and Groundwater Recharge

The Policy should clearly distinguish between the requirements for irrigation projects and the requirements for groundwater recharge projects. Several of CUWA's members have experienced excessive delays and overly stringent requirements for recycled water irrigation projects.

It is state policy to promote the use of recycled water while protecting public health. We believe the modifications to the Policy that we have suggested will allow the State Water Board to do so. CUWA appreciates the opportunity to provide comments on the draft

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Policy and we look forward to working with the State Water Board and other stakeholders to implement this policy. If you have any questions on our comments please contact Elaine Archibald at 916-736-3713.

Sincerely,



Steve Macaulay
Executive Director