

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 1, 2006

Prepared on November 6, 2006

ITEM NUMBER: 9

SUBJECT: Re-Issuance of Waste Discharge and Water Reclamation Requirements for Las Palmas Ranch Residential Development, Monterey County – Order No. R3-2006-0041

KEY INFORMATION

Location: 21702 River Road (G17), Salinas, Monterey County
Type of Discharge: Disinfected tertiary recycled water
Permitted Flow: 200,000 gallons per day (gpd)
Average Flow: 196,000 gpd (30-day average)
Type of Treatment: Tertiary with disinfection
Disposal Method:
 Wastewater: Reclamation via landscape and native vegetation irrigation
 Solid Wastes: Offsite disposal of biosolids at Monterey Regional Landfill
Existing Orders: Waste Discharge and Water Reclamation Requirements Order No. 91-14
This Action: Adoption of Supplier and Distributor Master Reclamation Requirements

SUMMARY

The proposed Order provides supplier and distributor master reclamation requirements for the Las Palmas Ranch Water Reclamation Plant and associated reclaimed water use facilities within and around the Las Palmas Ranch development. The proposed Order updates the previous Order in that it contains individual supplier and distributor requirements and allows for the addition of new reuse areas per a permit based system of rules and regulations in accordance with the uniform statewide water reclamation criteria found in Title 22 of the California Health and Safety Code. This revised Order correctly identifies the permittees, provides up-to-date requirements in accordance with changes in legislation, and allows the addition of new reuse areas to meet disposal capacity and reuse needs.

BACKGROUND

California American Water (the "Supplier") owns and operates a wastewater collection, treatment,

recycling, and reclaimed wastewater storage facility (the "Facility" or "Las Palmas Ranch Water Reclamation Plant"). The Facility was historically owned and operated by Monterey County Department of Public Works, the current permit holder, until approximately April 2003. The County formerly acted as both the supplier and distributor of the recycled water.

The Supplier provides wastewater collection and treatment services to the Las Palmas Ranch residential development and supplies disinfected tertiary recycled water to numerous recycled water users primarily consisting of eleven individual Las Palmas Ranch homeowners' associations (HOAs), Monterey County, and two private entities (the "Users") for irrigation of common green space areas and parkways. The Supplier is also a User.

The reclaimed wastewater distribution and irrigation systems for the various reuse areas are owned and managed by the various Users. An agreement between Users is pending for the establishment of a Las Palmas Ranch Irrigation Association for the

management of the recycled water distribution systems and reuse areas, and the application of recycled water. However, ongoing discussion between the Users regarding the content of the agreement along with procedural and timing issues have delayed the agreement since discussions began in 2003. Therefore, a designated distributor for the recycled water does not exist.

Monterey County Public Works (the "Distributor") intends to act as the permitted Distributor to manage the distribution and application of recycled water and facilitate the implementation of additional reuse areas until the various Users establish the Las Palmas Ranch Irrigation Association (Irrigation Association) and assume the Distributor role.

This Facility was formerly permitted under Waste Discharge and Water Reclamation Requirements Order No. 91-14 issued to Monterey County (Monterey County Service Area No. 72) by the Board on January 11, 2001. The existing waste discharge requirements order is over 15 years old and is in need of revision to correctly define facility ownership and management, and to establish specific recycled water producer and distributor requirements consistent with current regulations and policies. In addition, the existing Order restricts the application of disinfected tertiary recycled water to specific areas. Water balances and historical shortfalls in irrigation disposal capacity indicate that additional reuse areas are needed to adequately manage recycled water flows.

Order No. R3-2006-0041 (proposed Order) significantly updates the waste discharge and water reclamation requirements and makes them consistent with state requirements for the treatment and application of disinfected tertiary recycled water. The proposed Order does not limit the application of recycled water to specific areas and allows the Distributor to add new reuse areas in accordance with Title 22, Division 4, Chapter 3, Sections 60301-60355 of the California Code of Regulations (CCR) and a permit-based program of rules and regulations for the recycled water Users.

The following discussion briefly outlines the format of the proposed Order and significant changes. Findings of the proposed Order address the various aspects of the Facility and applicable regulations for reclamation facilities in detail. A discussion of the compliance history is not

warranted as the Facility has remained in compliance with the existing Order with the exception of authorized emergency discharges of disinfected tertiary recycled water to emergency irrigation fields and the storm water system as noted in the findings of the proposed Order.

PROPOSED ORDER

The proposed Order substantially overhauls and updates the existing order and associated monitoring and reporting program. The proposed Order is divided into Supplier and Distributor specific requirements with general prohibitions, specifications and provisions applicable to both parties.

The proposed Order is broken down as follows:

- Prohibitions
- Specification
- Supplier Requirements
 - Flow and Effluent Limitations
 - Disinfected Tertiary Recycled Water Limitations
 - Reclamation Facility Operational Requirements
 - Off-Specification Effluent Contingency Plan
 - General Requirements
 - Sanitary Sewer Overflows/Sewer System Management Plan Requirements
- Distributor/User Requirements
 - Reclamation Distribution System Requirements
 - Groundwater Limitations
 - Groundwater Monitoring Well Work Plan
 - Nutrient Management Plan
 - Salts Management Plan
 - Individual Recycled Water Use Permits
- Provisions

Significant changes to the proposed Order include:

- **Combined permit for Individual Supplier and Distributor Requirements** – The proposed Order contains both producer and distributor requirements that are the responsibility of the Supplier and Distributor, respectively.

Supplier Requirements

- **Wastewater Flow** – Supplier Requirement C.1 restricts 30-day average influent wastewater flows to 200,000 gpd (0.20 MGD). This is a slight increase from the previously permitted monthly average daily flow of 195,000 gpd. The increased flow limitation is based on findings indicating average daily influent wastewater flows to the facility are approximately 196,000 gpd, estimated buildout average daily dry weather flows are 199,300 gpd, and the Facility can handle flows in excess of the combined design peak daily hydraulic capacity of 235,000 gpd.
- **Effluent Limitations** – General effluent limitations were added for nitrate, sodium (in place of sodium adsorption ratio), sulfate and boron for consistency with the Basin Plan water quality objectives. The maximum daily effluent limitations for biochemical oxygen demand (BOD) and total suspended solids (TSS) of 25 mg/L were changed to seven-day averages. The monthly (30-day) average effluent limitations for BOD and TSS of 10 mg/L were retained from the previous permit. This change is more in line with the statistical evaluation of secondary treatment technology-based effluent limitations for BOD and TSS using monthly and weekly averages¹. Although no tertiary treatment technology-based effluent limits for BOD or TSS exist, effluent data for the Facility presented in the findings of the proposed Order indicate the proposed BOD and TSS effluent limitations are technologically achievable.
- **Disinfected Tertiary Recycled Water Limitations** – Updated turbidity, coliform, and disinfection requirements excerpted from Title 22 of the California Code of Regulations for disinfected tertiary recycled water were added to the proposed Order.
- **Reclamation Facility Operational Requirements** – Detailed reclamation facility requirements excerpted from Title 22 were added to the proposed Order for the operation and maintenance of the treatment facility.

¹ 40 CFR Part 133.102 contains BOD and TSS 30-day and 7-day average minimum technology based effluent limitations for secondary treatment of 30mg/L and 45 mg/L, respectively.

- **Off-Specification Contingency Plan** – Requirements for the implementation of a contingency plan, (provided as part of the Distributor's ROWD application package) in the event effluent that does not meet the criteria, for disinfected tertiary recycled water is discharged to the effluent storage basins were added to the proposed Order.
- **Sanitary Sewer Overflows/Sewer System Management Plan Requirements** – Requirements for the implementation of a sewer system management plan were added to the proposed Order to establish procedures to track, mitigate and prevent overflows from the Supplier's collection system.

Distributor/User Requirements

- **Implementation of Additional Reuse Areas** – The proposed Order does not limit the application of recycled to prescribed areas. The Order allows the Distributor to develop and implement additional reuse areas as needed that meet the Reclamation Distribution System Requirements contained within the Order and are managed via individual recycled water use permits issued to the Users.
- **Reclamation Distribution System Requirements** - Detailed distribution system and use area requirements excerpted from Title 22 were added to the proposed Order for the design, operation and maintenance of the distribution system and application areas.
- **Groundwater Monitoring Well Work Plan** – The proposed Order requires the Distributor to submit a work plan for the installation of three additional (at a minimum) groundwater monitoring wells to evaluate groundwater quality in the vicinity of the phase II development area recycled water application areas. Three groundwater monitoring wells were originally required and proposed for this area that were never installed.
- **Nutrient Management Plan** – Specific requirements were added to the proposed Order requiring the Distributor to develop and implement a nutrient management plan for the application of recycled water to ensure it is applied at agronomic rates and will not result in

the leaching of nitrogen to the groundwater basin.

- **Salt Management Plan** - Specific requirements were added to the proposed Order requiring the Distributor to develop and implement a salts management plan to document salt loading and to evaluate and implement reduction measures as practicable to reduce salt loading to the groundwater basin.
- **Individual Recycled Water Use Permits** - The proposed Order requires the Distributor to develop a set of rules and regulations for the Users and apply them via Recycled Water User Permits for each individual User.

MONITORING AND REPORTING PROGRAM

The proposed Monitoring and Reporting Program requirements are broken down as follows:

- **Supplier Requirements**
 - Water Supply Monitoring
 - Influent Monitoring
 - Effluent Monitoring
 - Storage Facility Monitoring
 - Solids/Biosolids Monitoring
 - Reporting
- **Distributor Requirements**
 - Recycled Water Use Area Monitoring
 - Groundwater Monitoring
 - Reporting
- **Supplier and Distributor Requirements**
 - Provisions
 - Implementation

Significant changes to the proposed Monitoring and Reporting Program include:

Supplier Requirements

- **Water Supply Monitoring** - Boron was added to water supply monitoring parameters.
- **Influent Monitoring** - Weekly pH; monthly BOD, TSS, and total nitrogen; and semi-annual TDS, sodium, chloride, sulfate, and boron influent monitoring were added to the proposed Monitoring and Reporting Program.

- **Effluent Monitoring** - Weekly monitoring of chemical oxygen demand (COD) was eliminated and monthly monitoring of nitrate and ammonia, and continuous chlorine residual monitoring were added to the effluent monitoring requirements. The monitoring frequency for pH was increased from quarterly to weekly and the monitoring frequency for total nitrogen (along with nitrate and ammonia) was increased from quarterly to monthly.
- **Storage Facility Monitoring** - The proposed monitoring and reporting program requires the Supplier to conduct daily visual monitoring of the recycled water storage ponds and to provide weekly electronic updates to the Distributor and Users regarding the amount of available water and storage within the ponds.
- **Solids/Biosolids Monitoring** - The proposed Monitoring and Reporting Program requires the Supplier to provide an annual report of the amount of solids generated at the facility, with a description of the treatment, and documentation of ultimate disposal.
- **Reporting Frequency** - the Supplier reporting frequency was reduced from monthly to quarterly. The Supplier is still required to submit annual reports per the Standard Provisions.

Distributor Requirements

- **Recycled Water Use Area Monitoring** - the proposed monitoring requirements require the Users (or Distributor) to conduct weekly metering of irrigation flows to each irrigation area receiving recycled water and weekly visual monitoring and record keeping documenting the application of recycled water is being conducted in accordance with the Order. In addition, the Distributor is required to conduct quarterly visual monitoring of the application areas. The Users are required to provide quarterly updates to the Distributor regarding daily irrigation flow rates, proposed system modifications, system peculiarities, and to verify employee training. These requirements also require annual testing of backflow prevention devices and cross-connection testing.
- **Groundwater Monitoring** - The Distributor is required to conduct groundwater monitoring from all monitoring wells (existing and

required) on a quarterly frequency for depth of water, total nitrogen, nitrate, pH, TDS, sodium, chloride, sulfate, and boron.

- **Reporting** – The Distributor is required to submit quarterly monitoring reports summarizing reclaimed water use. The Distributor is also required to submit annual monitoring reports compiling the previous years worth of irrigation flow, groundwater, and visual inspection data along with the required nutrient management plan and salt management program evaluations.

ENVIRONMENTAL SUMMARY

These waste discharge requirements are for an existing facility and are exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et. seq.) in accordance with California Code of Regulations, Title 14, Chapter 3, Section 15301.

COMMENTS & RESPONSES

On September 25, 2006, the Central Coast Water Board notified the Supplier, Distributor, Users and interested parties of its intent to issue Supplier and Distributor Master Reclamation Requirements for Las Palmas Ranch and provided them with a copy of the proposed Order and an opportunity to submit written views and comments.

Water Board staff received written comments from Mr. Bob Taylor, HOA member and spokesperson for the proposed Las Palmas Ranch Master Association (Users and potential future Distributor), Monterey County Department of Public Works (as the permitted Distributor), and from Fuog Water Resources, Inc., on the Supplier's behalf.

Comments are addressed in this section with the comment letters attached for reference. The comments are referenced by number and are not repeated here for brevity except for the use of excerpted or paraphrased portions of the actual comments for clarification as noted. Related comments may also be grouped together for brevity. As such, the following consists only of staff responses to comments, and any subsequent staff recommendations or changes to the proposed Order.

Mr. Bob Taylor, HOA member (spokesperson for Users and proposed master HOA potentially taking over Distributor responsibility from the County at some future date); Written comments were received October 11, 2006, via electronic mail (Attachment 4) – staff has taken the liberty to number Mr. Taylor's comments):

Staff Response to Comments 1, 4, 8, 9, & 14:

Staff directs Mr. Taylor to review the proposed (revised) Order findings. Particularly findings 49 through 60 (Basin Plan) and 77 through 100 (Evaluation of Nutrient and Salt Loading to the Groundwater Basin). Staff also provides the following general response to Mr. Taylor's general comments.

The protection of groundwater can be achieved by controlling the quality of the recycled water being applied and by controlling the application of the reclaimed water. Recycled water quality can be controlled via selection or treatment of the water supply, controls on the users of the water supply discharging to the wastewater collection system tributary to the reclamation facility, and treatment. The Supplier primarily has control over the treatment with only limited control over the collection system users and virtually no control over the water supply. On the other hand, the HOAs (Users of the recycled water, and potential Distributor) as the users of the water supply and wastewater collection system, have considerably more control over their water supply and what happens to the water before it gets to the reclamation facility primarily with regard to salts (please see finding 81 of the proposed Order).

The proposed Order contains appropriate and reasonable requirements regarding effluent quality and treatment system management to ensure the Supplier produces an effluent quality consistent with Title 22 requirements for disinfected tertiary recycled water and the Basin Plan. However, compliance with the Basin Plan also requires controls on how the recycled water is applied. As such, the proposed Order also contains appropriate and reasonable requirements for the application of the recycled water.

The Distributor and Users are responsible for the reclaimed wastewater they receive and are required to manage its use in accordance with the proposed

Order. If the Supplier were to assume the responsibility of discharging the recycled water it would assume the same responsibilities.

The Regional Board does not have the authority to require the Supplier to provide the recycled water to the Distributor and Users or require the Distributor and Users to take the recycled water supply. Accordingly, the relationship between the Supplier, Distributor and Users should be addressed in a legal agreement or contract between these parties.

No changes made.

Staff Response to Comment 2:

Comment noted. The Staff Report has been changed to reflect Mr. Taylor's comment.

Staff Response to Comments 3, 6 & 15:

Groundwater monitoring wells for the application areas were required as part of the original permit. The responsibility at the time would have been the original permit holder. However, we understand that there were potentially other agreements between the developer, County and HOAs regarding who would implement various requirements.

The proposed Order requires the Distributor to submit a groundwater monitoring plan, install the monitoring wells, conduct groundwater monitoring, and submit groundwater data. The Distributor (County) may choose to involve the HOAs as Users in the groundwater monitoring requirements. The County as the acting Distributor is responsible for these requirements until another Distributor is established and the permit is revised to reflect the new Distributor.

Staff Response to Comment 5, 19, 21 & 22:

The Monitoring and Reporting Program (Paragraph G.1) only requires weekly metering. The incorrect Staff Report reference to daily metering has been corrected.

The monitoring requirements in question along with the development of "rules and regulations" for the User were all established in the Order pursuant to California Water Code Section 13523.1. A new finding (Finding 47) was added to the proposed Order to clarify the basis of these monitoring requirements.

Please note that Paragraph G.1 of the Monitoring and Reporting Program allows for flow estimates based on irrigation run times and distribution system design flow rates. However, the aggregate flow estimate for all the reuse areas should be compared to the Supplier as delivered flows for verification.

Maps have already been prepared by the County delineating the reuse areas.

No other changes made.

Staff Response to Comments 7 & 20:

It is staff's understanding that County is only acting as the interim Distributor until the master association is formed and assumes the Distributor responsibilities detailed in the proposed Order. If the master association still intends to assume the Distributor role it will be required to submit an Application/Report of Waste Discharge General Information Form for Waste Discharge Requirements or NPDES Permit (Form 200). Upon receipt of the application the Water Board will revise the permit to reflect the change in Distributor. The master association will then be required to implement the Distributor requirements of the proposed Order.

Paragraph D.33 on page 27 of the draft Order was removed to avoid confusion with regard to the permitted Distributor. However, it should be noted that only public agencies can legally issue permits. As such, if the master association is named in a revised permit it will have to develop legally binding contracts for control of the Users in place of the recycled water use permits formerly issued by the County as the Distributor. This issue will be addressed at the time the Order is revised to name the master association as the Distributor.

Staff Response to Comment 10:

The Regional Board does not have the authority to limit the number of users based on approval by the existing Users or guarantee recycled water amounts to individual Users. The very nature of a master reclamation permit allows the Distributor (or Supplier as is not the case for the proposed Order) to add additional reuse sites in conformance California Water Code Section 13523.1. The criteria to add additional reuse areas and Users is based on the need for sufficient disposal capacity and compliance with the uniform statewide reclamation criteria found in Title 22 of the California Code of Regulation and the proposed Order as is appropriate to protect public health and the beneficial uses of groundwater. It is

the responsibility of the Distributor to manage the Users and document compliance with the Distributor and User requirements of the proposed Order. Any such restriction as noted in the comment should be spelled out in an agreement or legal contract between the Supplier, Distributor, and Users. However, if a master association assumes the Distributor responsibilities per the proposed Order it will be able to control the addition of new reuse areas and Users at its discretion as long as it complies with the proposed Order and uniform statewide reclamation criteria.

No changes made.

Staff Response to Comment 11:

This requirement was taken directly from California Code of Regulations, Title 22, Division 4, Chapter 3, Section 60310, regarding disinfected tertiary recycled water use area requirements.

No changes made.

Staff Response to Comment 12:

Please refer to the August 2005, RMC Engineering Report for Production, Distribution, and Use of Recycled Water, Monterey County Service Area No. 72 Las Palmas Ranch Residential Development, California American Water Company. This document contains maps and general descriptions of the recycled water distribution system and several references in the appendices regarding cross connection control and backflow prevention. However, this report does not document the domestic water supply system within the reuse areas for which the backflow prevention requirements apply. For more specific information regarding the number and location of backflow preventers within the water supply distribution system please contact Monterey County or your water purveyor. In addition, California Code of Regulations, Title 17, Division 1, Chapter 5, Group 4, Article 2, Sections 7601 through 7605 outline the backflow prevention requirements.

Staff Response to Comment 13:

Cross connection control plans are required pursuant to California Health and Safety Code, Division 104, Part 12, Chapter 5, Article 2, Section 16800 and California Code of Regulations, Title 17, Division 1, Chapter 5, Article 1, Section 7584.

Staff Response to Comment 16:

Paragraphs 21 and 22 refer to "crops or landscaping" irrigation. Title 22 allows the use of disinfected tertiary recycled for a number of uses including food crops and landscape irrigation. The Las Palmas Users primarily apply the recycled water to landscape areas, but Cal Am applies recycled water to natural grassy areas adjacent to the reclamation facility.

Paragraphs 21 and 22 have changed to refer to "food crops, vegetation or landscaping" for clarification and to broaden the reference.

Staff Response to Comment 17:

The HOAs should be concerned with the preparation and submittal of the annual report as both the Users and future potential Distributor as they are required to provide the data contained within the annual report.

Staff Response to Comment 18:

Paragraph 25 should refer to the "Distributor" and not the "Discharger." This has been corrected.

Monterey County Department of Public Works (proposed Distributor); letter received October 25, 2006 (Attachment 5)

Staff Response to Comment 1:

Staff directs the County to review the proposed (revised) Order findings. Particularly findings 49 through 60 (Basin Plan) and 77 through 100 (Evaluation of Nutrient and Salt Loading to the Groundwater Basin).

Please refer to the Natural Resources Conservation Service (NRCS), University of California Cooperative Extension (UCCE), and your local agricultural commissioner for references on preparing nutrient management plans.

No changes made.

Staff Response to Comment 2:

Please refer to "Staff Response to Comments 1, 4, 8, 9, & 1" made by Mr. Bob Taylor.

Staff Response to Comment 3:

The development of "rules and regulations" for the User were established in the Order pursuant to California Water Code Section 13523.1. A new

finding (Finding 47) was added to the proposed Order to clarify the basis of these monitoring requirements.

It was our understanding that additional reuse areas still needed to be developed or were in the process of being developed. In the event that the additional reuse areas were developed under the purview of the Department of Health Service's review of a site specific engineering report we understand your argument against the need for the required rules or regulations addressing the design and construction of new reclaimed water use facilities. However, the establishment and enforcement of rules and regulations by the Distributor is still warranted to ensure the maintenance of the reuse facilities and the use of reclaimed water is conducted in accordance with the uniform statewide reclamation criteria found in Title 22 of the California Code of Regulations. Subsequently, any maintenance or repairs to the existing reuse facilities should be conducted in accordance with the original design and construction standards.

No changes made.

Staff Response to Comment 4:

The County may issue a permit to, or establish a legal agreement with the master association stipulating the delegation of the Distributor requirements to the master association. However, the County would still be responsible and subject to enforcement for the Distributor requirements contained within the proposed Order. There needs to be a direct nexus between the permittee (Distributor) and the permit to ensure compliance with the conditions of the proposed Order and to facilitate enforcement for noncompliance. A water use or irrigation permit issued by the County to the master association will not provide the necessary nexus.

If this is unacceptable to the County the only other alternative is for the master association to apply to the Water Board as the new Distributor as outlined in response to Mr. Taylor's comments 7 and 20.

Paragraph D.33 on page 27 of the draft Order was removed to avoid confusion with regard to the permitted Distributor. However, it should be noted that only public agencies can legally issue permits. As such, if the master association is named in a revised permit it will have to develop legally binding contracts for control of the Users in place of the recycled water use permits formerly issued by the County as the Distributor. This issue will be

addressed at the time the Order is revised to name the master association as the Distributor.

Staff Response to Comment 5:

Please refer to "Staff Response to Comment 10" made by Mr. Bob Taylor.

Staff Response to Comment 6:

Staff believes paragraph D.14 already addresses this issue in conjunction with paragraph G.5 of the Monitoring and Reporting Program (and footnote no. 2).

Fuog Water Resources Inc. (on behalf of the Supplier); letter received October 26, 2006 (Attachment 6)

Staff Response to Comment 1:

Comment noted. Staff has changed finding 14 of the proposed Order to read as follows:

The Distributor's ROWD application indicates the Supplier intends to modify the Facility with the addition of emergency shutoff valves on the Facility storm drains and a redundant effluent transfer pump between the effluent storage ponds, and evaluate alternatives to or modify its existing chlorination facility.

Staff Response to Comments 2 & 6:

Staff did not cite any specific existing or required reuse area values given discrepancies contained within the noted RMC Engineering Report and uncertainties in the required amount of reuse areas. The text of the report indicates that approximately 40 acres of reuse areas have been installed and are in use. This is consistent with the original permit. However, the text of the report is consistent and indicates that an additional 40 acres are needed to meet build out flows. The fact remains that additional reuse areas are needed to handle the existing recycled effluent flows. However, it should be noted that although the water balance is based on conservative assumptions, the actual production and utilization of recycled water is highly dependent on the management of the reuse facilities and seasonal variations in rain intensity and timing. For this reason staff is reluctant to add any reuse area values to the Proposed Order that may be construed as approval of the water balance or limits on the extent

of allowable reuse area. As written, the proposed Order allows for additional reuse areas as required to meet the demand for disposal.

No changes made.

Staff Response to Comment 3:

The reference to the 400-foot aquifer was provided for comparison only. Finding 88 of the proposed Order clearly states that the water quality objectives for the 180-foot aquifer will be applied to the discharge.

No changes made.

Staff Response to Comment 4:

Footnote 22 of paragraph 7 allows for alternative disinfection criteria pursuant to Title 22.

Footnote 'g' was added to the effluent monitoring table in Monitoring and Reporting Program Requirements Order No. R3-2006-0041 for total chlorine residual allowing for alternative monitoring requirements for ultraviolet disinfection.

Staff Response to Comment 5:

The Supplier regularly forwards "Las Palmas Weekly Irrigation Log" spreadsheets to staff via electronic mail. Review of the provided 'weekly logs' indicates the Supplier has been compiling and distributing weekly water use data provided by the Users and storage reservoir level data since at least January 2006. Staff feels that weekly communication between the Supplier, Distributor and Users is warranted given the apparent historical lack of communication between the Supplier and Users and shortfalls in available reuse area. Weekly communication will ensure sufficient storage capacity is available at the reclamation facility to protect it from flooding the treatment works, reduce the likelihood of emergency discharges, and enable both parties to better gauge the balance between supply and irrigation needs.

No changes made.

Staff Response to Comment 7:

Staff did not specify an implementation schedule because the completion of the additional reuse areas

is not fully within the control of the Supplier, Distributor, or User. Although, the Supplier, Distributor, and Users are all in support of the additional reuse areas, staff understands that it is ultimately the developer's responsibility to complete them per the county use permit. In addition, potential delays in engineering report preparation and review along with bidding activities make it difficult to accurately assess achievable time schedules. As such, staff is reluctant to establish enforceable compliance schedules for activities beyond the control of the permittees that may not be achievable. It should be noted that the County has stepped forward in good faith as the Distributor to facilitate the timely implementation of additional reuse areas on behalf of the Supplier and Users. Historical delays in adding new reuse areas has been due in part to the former permit restricting reuse areas to those at the time of permit issuance and the lack of a Distributor to oversee implementation.

No changes made.

ADDITIONAL CHANGES

An additional provision (paragraph D.26) was added to the Nutrient Management Plan requirements allowing for the application of recycled water in excess of the nutritive requirements of the receiving vegetation. This variance is allowable on a case-by-case basis upon request by the Distributor and approval by the Executive Officer given the outlined conditions are met.

CONCLUSIONS

Staff is concerned regarding the appropriateness of HOAs managing wastewater treatment, and disposal-related facilities and activities. Based on experience with other HOA-managed facilities in our region we see that HOAs generally do not have the requisite technical experience and management structure to maintain and operate such facilities. In addition, HOAs can be deadlocked on important association voting issues, and are in conflict of interest as fee payers when it comes to raising fees to fund needed facility maintenance and upgrade costs. Consequently, we are concerned how effectively an Irrigation Association comprised primarily of 11 different HOAs will be able to implement the Distributor requirements contained within the proposed Order. The best outcome would be for the Irrigation Association once it takes over the Distributor role to adopt and implement the

management structure established by the County while acting as the interim Distributor

Notwithstanding the above noted concern we are confident the proposed Order clearly outlines the supplier, distributor and user responsibilities per applicable regulations, and will serve as a working document for the management of the recycled water facilities. We are also confident that implementation of the proposed Order will be sufficiently protective of water quality while allowing for the development of additional reuse areas to meet disposal and reuse demand.

RECOMMENDATION

Adopt Order No. R3-2006-0041 as proposed.

ATTACHMENTS

1. Supplier and Distributor Master Reclamation Requirements Order No. R3-2006-0041
2. Supplier and Distributor Monitoring and Reporting Program Requirements Order No. R3-2006-0041
3. Waste Discharge and Water Reclamation Requirements Order No. 91-14 and Monitoring and Reporting Program No. 91-14
4. October 11, 2006, electronic mail from Mr. Bob Taylor re: Las Palmas draft Order.
5. October 25, 2006, letter from Monterey County Department of Public Works
6. October 26, 2006, letter from Fuog Water Resources, Inc.