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August 31, 2015

VIA U.S. MAIL AND E-MAIL

State Water Resources Control Board
Attn: Jeanine Townsend, Clerk to the Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: San Diego Water Board Nitrate/OWTS Policy Basin Plan Amendment --
Support of Amendment

Hon. Members of the State Water Resources Control Board:

On behalf of Sudberry Properties, developer of the Civita planned community in the Mission Valley area of the City of San Diego, I wish to express our support for the amendment to the Water Quality Control Plan for the San Diego Basin (the "Basin Plan") currently pending before your Board. We particularly support the portion of the amendment relating to policies governing on-site wastewater treatment systems. We submitted similar comments to the San Diego Regional Board in connection with its consideration of this amendment and its subsequent approval of Resolution No. R9-2015-0008.

Chapter 4 of the Basin Plan deals in part with regulation of on-site wastewater treatment systems. The current text presents a significant obstacle to the development of privately owned and operated on-site wastewater treatment and recycling systems. The Civita project is planning to construct a facility of this kind. The prohibitory provision is found at page 4-26 of the Basin Plan, in the portion of Chapter 4 addressing Guidelines for New Community and Individual Sewerage Facilities.

In the years since the adoption of the above-referenced provision, interest has grown significantly in the San Diego region and statewide in wastewater recycling generally, and more recently in private development, ownership and operation of such facilities. The City of San Diego, the largest jurisdiction in the San Diego region, has committed through its Pure Water program to the development of facilities which eventually will treat for reuse 84 million gallons of wastewater per day. Numerous other municipal jurisdictions and water agencies in the region are pursuing similar programs. At the same time, the City of San Diego has formulated a permitting system for privately owned and operated on-site wastewater treatment facilities. The City has expressed clearly that it does not wish to be the party responsible for ownership and operation of facilities such as the one to be developed in

the Civita community, but has no opposition to private ownership and operation of such facilities.

The Recycled Water Policy adopted by your Board in 2013 sets very ambitious goals for increasing the use of recycled water. The San Diego Regional Board similarly has recognized that reclamation of wastewater is a highly preferable alternative to ocean disposal. In adopting the *Practical Vision: Healthy Waters Healthy People*, the Regional Board highlighted the importance of wastewater recycling as a key element in meeting the water needs of its region. These state and regional policies and goals are far more likely to be met if the obstacles to private ownership and operation of wastewater reclamation facilities are alleviated and modernized.

Civita is only the first major development in the San Diego region for which this is an important issue. Water supply concerns are motivating many other property owners and developers to become interested in constructing such facilities. Similar interest is being shown by homeowners associations in existing developments, which desire to retrofit their projects with wastewater treatment facilities to provide irrigation water for on-site use.

At its meeting of April 15, 2015, the San Diego Regional Board agreed with our concerns and approved elimination of the prohibition in question, as part of the pending Basin Plan amendment. The amendment instead merely expresses a preference, rather than a requirement, that a public agency assume legal authority and responsibility, thereby allowing private ownership and operation of such facilities, subject to the waste discharge requirements specified by the Regional Board.

We support the amended text pertaining to this issue, and we urge your Board to approve it, along with the rest of the pending Basin Plan amendment.

Thank you for your consideration.

Sincerely,



Cary Lowe, Ph.D., AICP

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cc: David Gibson, Executive Officer, San Diego RWQCB
Jody Ebsen, Engineering Geologist, San Diego RWQCB
Mark Radelow, Vice President, Sudberry Properties