

Cary D. Lowe

Ph.D., AICP
Attorney & Mediator

3517 GARRISON STREET
SAN DIEGO, CALIFORNIA 92106

(619) 255-3078
carylowe@cox.net

January 26, 2015

San Diego Regional Water Quality Control Board
Attn: Ms. Michelle Mata
2375 Northside Drive, Suite 100
San Diego, CA 92108

Re: Triennial Basin Plan Review Comments

Hon. Members of the Regional Water Quality 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 am submitting the comments below in connection with your Board's current triennial review of the Water Quality Control Plan for the San Diego Basin (the "Basin Plan"). Pursuant to discussions with staff, we request that these comments also be incorporated into your current consideration of a Basin Plan amendment relating to onsite wastewater treatment systems.

We request that you consider eliminating a provision of the current Basin Plan which presents a significant obstacle to the development of privately owned and operated wastewater treatment and recycling systems. The Civita project is planning to construct a facility of this kind. The current 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. Specifically, we are concerned about the passage which reads:

"Community Sewerage Systems

The Regional Board will regulate all discharges of wastes from community sewerage systems. The Regional Board will require a RWD to be filed for all proposed waste discharges which involve the use of new community sewerage systems. Before the Board will consider the RWD to be complete, the following requirements must be met:

- A public entity must assume legal authority and responsibility for the ownership, operation and maintenance of the proposed wastewater treatment and disposal system. The RWD must be submitted by the public entity.
[Emphasis added.]

..."

The Board may be aware that, since the adoption of the above-referenced provision, interest has grown significantly in this region 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 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 is in the midst of developing a permitting system for privately owned and operated 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 required to be developed in the Civita community.

The Board has recognized for many years that reclamation of wastewater is a highly preferable alternative to ocean disposal. In 2013, the Board, in adopting the *Practical Vision: Healthy Waters Healthy People*, highlighted the importance of wastewater recycling as an important element in meeting the water needs of this region. Similarly, the Recycled Water Policy adopted by the State Water Resources Control Board in that same year sets very ambitious goals for increasing the use of recycled water. The 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 for which this is an important issue. Water supply concerns are motivating many other 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. You will hear more in this regard from the Building Industry Association and other interested parties.

We recognize that this has been a sensitive issue in the past and that there were valid reasons for incorporating the current restriction in the Basin Plan. We suggest, however, that technological advances and added experience have largely addressed the issue. Any remaining concerns can be addressed fully through review of the report of waste discharge for any project and through rigorous operating standards. Specifically:

- The report of waste discharge will be required to demonstrate to the satisfaction of the Board and its staff that the technology proposed to be used meets the desired standards of quality and reliability.
- Professional operators having appropriate training and licenses will be responsible for running and maintaining the system.
- Financing for operation and maintenance of the system will be secure. In the case of Civita, this funding will be derived from a long-term contract with a homeowners association to purchase treated water from the facility.
- There will be a fail-safe feature, in that the community sewerage system still will be connected to a public sewer main so that, in the event of system shutdown for any reason (including routine maintenance), effluent will automatically be discharged to the public sewer just as it would have been in the absence of the reclamation facility.

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We have discussed this issue at length with your staff and understand them to be supportive of updating the regulations in this area. The timing of the triennial review is auspicious, and we urge you to give this issue the most serious consideration. We will be pleased to provide any additional information which will assist you in your review of our request.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Cary Lowe". The signature is written in a cursive, slightly slanted style.

Cary Lowe, Ph.D., AICP

CL/sh

cc: Mark Radelow, Sudberry Properties
David Gibson, Executive Officer, San Diego RWQCB
Michael McSweeney, Building Industry Association of San Diego