



February 6, 2013

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

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Borre Winckel

**AFFILIATES**

California Building  
Industry Association

National Association  
of Home Builders

Re: Triennial Basin Plan Review Comments

Hon. Members of the Regional Water Quality Control Board:

On behalf of the Coalition, whose members include: San Diego Building Industry Association, Associated General Contractors; Associated Builders and Contractors; San Diego Regional Chamber of Commerce; Business Leadership Alliance; San Diego Association of Realtors; San Diego Apartment Association; NAIOP (National Association of Industrial & Office Properties); BOMA (Building Office & Management Association; San Diego Chapter of the American Society of Landscape Architects, 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"). After discussions with staff and a suggestion by RWQCB Executive Director, David Gibson, we request that these comments also be incorporated into your current Basin Plan amendment relating to onsite wastewater treatment systems.

We request that you consider eliminating the provision of the current Basin Plan which presents a significant obstacle to the development of privately owned and operated wastewater treatment and reclamation systems. Members of the Coalition in the development industry are either planning to construct or are considering this as an option on projects still in the conceptual stages of review. 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.]

...”

We’d like to make the Board aware that, since the adoption of the above-referenced provision, interest has grown significantly in this region regarding 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 these facilities.

The Board has recognized for many years that reclamation of wastewater is a highly preferable alternative to ocean disposal. In 2013, the Board adopted the *Practical Vision: Healthy Waters Healthy People*. This document highlighted the importance of wastewater recycling/reclamation as an important element in meeting the water needs for our region. Similarly, the Recycled Water Policy adopted by the State Water Resources Control Board in 2013 sets very ambitious goals for increasing the use of recycled water. These 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. Simply put, the time has come to incentivize these types of privately owned and operated facilities so they can align with your *Practical Vision*.

Water supply concerns are motivating many of the Coalition’s developers to become interested in constructing such facilities in new projects in this region. Additionally, we are hearing from our property management members that interest is being shown by homeowners associations in existing developments, which desire to retrofit their properties with wastewater treatment facilities to provide irrigation water for on-site use. Again, the time is ripe to encourage this type of private sector interest and activity.

We recognize there has been concern 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 future developments 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.

We are aware that members of the Coalition have discussed this issue in depth with your staff and understand them to be supportive of updating the regulations in this area. The change we are seeking will allow the RWQCB to harness the market forces at play to achieve one of the goals stated in your *Practical Vision*.

In conclusion, the timing of the triennial review coincides with the private sector embracing this new technology and ability to “create” water for irrigation purposes on site, and we urge you to give our request serious consideration.

We are happy to provide any additional information which will assist you in your review of our request.

Thank you for your consideration.

Sincerely,



Borre Winckel  
President & CEO  
BIA San Diego, on behalf of the Coalition