



May 27, 2014

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

RE: Draft General Waste Discharge Requirements for Recycled Water Use

Dear Chair Felicia Marcus and Fellow Board members

I am writing on behalf of Clean Water Action to provide comment on the draft General Order for Recycled Water Use, which has been developed to implement the State Board's adopted Recycled Water Policy. Clean Water Action strongly supports efforts to increase the use of recycled water and want to ensure that this expansion occurs with sufficient information and oversight to protect both surface and groundwater quality and address any public concerns. To ensure that protection, we propose the following changes to the proposed Order.

The Order should apply only in regions with that have an approved Salt and Nutrient Management Plan

Both the Board's adopted Recycled Water Policy and the proposed General Order rely upon regionally developed salt and nutrient management plans to protect against degradation of high quality waters. These plans also provide key information that a Regional Board's Executive Officer would use to make a finding that a new site-specific order is needed. Given the resources constraints of the Water Boards, it is not clear that the findings required in Paragraph 28 can be made without the information provided by the development of these plans.

These plans also provide assurances that information that is specifically not required by this proposed order will be available, including but not limited to

- An anti-degradation analysis to determine the assimilative capacity of potentially impacted surface and ground waters;
- An assessment of Contaminants of Emerging Concern (CECs) to determine appropriate monitoring and oversight;
- Regional monitoring requirements to reinforce the self-monitoring allowed by the proposed order.

The Recycled Water Policy requires as a criteria for streamlined permitting that a project comply with any applicable salt and nutrient management plan. This proposed order relies heavily the information provided by these plans to expedite projects. If no plan exists, it is likely that neither the Regional Board nor the public will have sufficient information to understand the impacts of a given project.

“Agronomic rates” of nutrient application are insufficient to protect water quality

The reliance on “agronomic rates” of nutrient application is no longer appropriate. The Board’s own work to review the Irrigated Lands Programs adopted by the Regional Board’s has provided ample evidence that these figures lack the specificity needed to ensure that excess nitrogen is not being washed into surface waters or leaching into groundwater. Agronomic rates can vary by well over one hundred percent, and some have not been updated or reviewed in decades. The UC Davis Nitrogen Assessment Project published a paper¹ in 2013 identifying nutrient application guidelines as very broad and not necessarily informed by the latest research. The Central Valley Board recognized this as an issue in their Waste Discharge Orders, requiring that coalitions implementing the orders on behalf of agricultural dischargers implement a Management Practices Effectiveness Program to test the efficacy of recommended best practices.

In keeping with the greater oversight of agricultural application of nutrients, the Recycled Water Policy and this proposed Order should be revised to require development of nutrient management plans for the application of recycled water for irrigation in areas that have been

¹ [*“Nitrogen fertilizer use in California: Assessing the data, trends and a way forward”*](#), California Agriculture, January-March 2013, authors Todd S. Rosenstock, Daniel Liptzin, Johan Six, Thomas P. Tomich

determined to be vulnerable to nutrient contamination in the region's salt and nutrient management plans. This will not be a problem for most agricultural uses of recycled water, but will ensure an even playing field for other applications.

CEQA is still necessary for issuance of Order

The governor's state of emergency for the drought is appropriate for emergency actions that alleviate the current water shortage. However, this proposed Order is a long-term program that is being established for a long-term use. The CEQA exemption is not appropriate.

Thank you for considering our concerns

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Clary". The signature is fluid and cursive, with the first name being more prominent than the last.

Jennifer Clary
Water Policy Analyst
Clean Water Action