



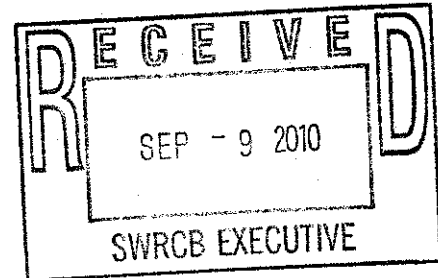
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Via Electronic Mail

September 9, 2010

Charles Hoppin, Chair, and Members
State Water Resources Control Board
PO Box 100,
Sacramento, CA 95812-0100

Attention: Jeanine Townsend, Clerk to the Board
commentletters@waterboards.ca.gov



Dear Chair Hoppin and Members:

Comment Letter – California Ocean Triennial Review

West Basin Municipal Water District (West Basin) thanks you in advanced for the opportunity to comment on the potential revisions to the California Ocean Plan (Ocean Plan) as part of the current Triennial Review process. We also are providing comments related to the development of a proposed amendment to the Ocean Plan regarding salinity objectives/desalination (2005-2008 Triennial Review Issue 10) per your public hearing notice. Our comments are submitted in recognition that California is in dire need for new water supplies. The droughts, climate change, court rulings, over appropriated rivers and coastal streams, and growth have all lead to the need for seawater desalination as part of a secure future water supply. Desalination and water recycling is a recognized part of California's water future as presented in the California Water Plan and the plans of many local water agencies.

Comments on Proposed Amendments

We understand from the Notice of Public Hearing that staff is currently preparing an amendment for salinity objectives/desalination. Based on the information presented in the June 2007 scoping document, we have significant concerns regarding the need for the amendment and believe it should be developed along with a broader policy supporting desalination and water recycling. Comments from our members on the scoping document specifically rejected the concept of establishing an artificial standard, such as percent deviation from natural background salinity, as a water quality objective in the Ocean Plan.

There are few, if any, options for brine disposal other than the ocean, so over the next decade, ocean outfalls which have been traditionally been used exclusively for safe disposal of wastewater effluent will increasingly be relied upon to dispose of brine wastes from desalination and recycled water projects. Given the vital need for new water resources and the significant cost of this public infrastructure, it is imperative that California has a clear and holistic regulatory approach to brine disposal. Also, to encourage the development of needed local water supply sources, the state should avoid the creation of a patchwork of regulatory approaches in various state planning documents, including the current review of

the California Ocean Plan. Instead, the state should undertake a separate policy initiative to address brine discharges from desalination and water recycling that should consider the technological and process differences between these beneficial water uses and ocean desalination, as they provide new resources with less energy use, no taking of marine life associated with water intake, and most significant for a brine policy, less brine produced per gallon treated. Recognizing these differences, a California brine policy can be drafted that adequately protects the environment while providing agencies with certainty that their wastewater recycling and brackish groundwater clean-up facilities can be permitted in a fair and predictable manner.

In the absence of a separate policy, the SWRCB should amend the Ocean Plan to encourage desalination and water recycling, proper brine discharge, and recognize the value that existing dischargers bring to the state by creating a place to bring brines to the ocean.

Issues to Consider for Triennial Review

Calculation of dilution - Our primary request is that the COP update the implementation procedures for determining a mixing zone and identifying the dilution factor used in calculating effluent limitations for Table B constituents. The current approach of assuming the absence of ocean currents is not scientifically-based and conflicts with USEPA models as well as other text in the Plan. In limited situations an assumption of zero currents may be appropriate (limits for the instantaneous maxima objectives), but for the other objectives (daily, 6-month median, 30-day average) currents should be incorporated into the models. Currents obviously exist in the ocean and strongly affect receiving water characteristics. Because currents increase dilution, the assumption of no currents has the effect of decreasing the zone of initial dilution and resulting dilution factor.

Site Specific Objectives (Issue 12 from 2005-2008 Workplan) - We believe this issue is still relevant and should be considered during this review. The COP should have the same flexibility as provided to inland waters by the State Implementation Policy.

Table C (background values) - The Table C values should be updated to reflect the latest data on the background concentration of these constituents in California waters. We understand that the Water Board's ASBS Natural Water Quality Committee¹ will have a similar recommendation. These values are used in the calculation of effluent limits and should reflect actual concentrations in the receiving water.

Need for Categorical or Case-by-Case Exceptions - The SWRCB should consider including categorical or case-by-case exceptions to the COP similar to the provisions included in the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP). The inclusion of the exceptions will facilitate water recycling as illustrated by the two cases presented below for which the Ocean Plan has hindered recycling projects.

¹ This committee was established under State Water Board Resolution 2004-52. More information [here](#).

The first case is associated with the need to open and flush recycled water lines for maintenance and to maintain pipe integrity. This practice is also undertaken in the potable water industry. In Region 4, the Regional Board has issued a General Permit that enables water purveyors to flush their systems and discharge the water.² The discharge of these waters is considered to be a *de minimis* discharge with no reasonable potential to cause or contribute to in-stream excursions for water quality criteria for priority pollutants; however the General Permit does contain some effluent limitations and monitoring requirements for compliance with inland surface water requirements. It is notable for this example to underscore the fact that the General Permit does not require compliance with the Ocean Plan.

When the General Permit was last revised, several agencies attempted to obtain coverage for flushing recycled water lines; however, the request was denied on the basis of the need to ensure compliance with the Ocean Plan Table B limitations since the flushed water could reach the ocean. This determination seemed illogical for a number of reasons.

First, presumably potable water flushed from lines also has the possibility of reaching the ocean. Second, the recycled water that would be discharged meets all Title 22 requirements for drinking water and, thus, in terms of quality is analogous to the quality of drinking water flushed from potable lines. Therefore, the potable water would in all probability have the same issue of meeting Table B limitations, yet this issue was not a factor in establishing the requirements in the General Permit. Flushing lines is an important part of promoting and facilitating recycled water use because, if it cannot be done easily and routinely, users are faced with water stagnation and odors. Consequently, recycled water users are faced with a significant obstacle in performing routine maintenance of systems.

The second case involves the ability to use recycled water for creating a hydraulic barrier in a designated groundwater aquifer. Chevron Refinery in El Segundo. Chevron is required to pump water into a de-designated aquifer under its facility to create a hydraulic barrier surrounding a zone of contamination. Groundwater is pumped from within the contamination zone and treated. Currently over 500,000 gallons of imported potable water is used to create the barrier. West Basin believes that the use of recycled water would be a natural option in lieu of using imported water. However, the project was unable to proceed because the Regional Board indicated that it would require the recycled water to meet Table B Ocean Plan limitations (without dilution) and Ocean Plan monitoring requirements because of the possibility of "one molecule" of recycled water migrating to the ocean. The potable water supply used for the remediation is not required to comply with the Ocean Plan, yet the potential impact on the ocean is identical if you use either potable or recycled water. Because it was simply less burdensome to use potable water, further efforts to use recycled water came to a standstill. As noted in the previous example, the recycled water and potable water both meet Title 22 drinking water standards. In addition, the use of imported water for a remediation project when recycled water was available seemed to be a huge waste.

² Order No. R4-2004-0109 Waste Discharge Requirements for Discharges of Low Threat Hydrostatic Test Water to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties.

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Both cases could be alleviated by including provisions in the Ocean Plan that allow for categorical and case-by-case exceptions similar to the language included in Section 5.3 of the SIP. These provisions would allow a Regional Board to grant categorical short-term or seasonal exceptions, which would certainly provide agencies with more latitude for flushing recycled water lines, and to grant case-by-case exceptions, which would have allowed for a project like the Chevron remediation project using recycled water to proceed.

West Basin appreciates the opportunity to comment, and looks forward to participating in this effort. If West Basin can be of further assistance in the process, please contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rich Nagel".

Rich Nagel
General Manager