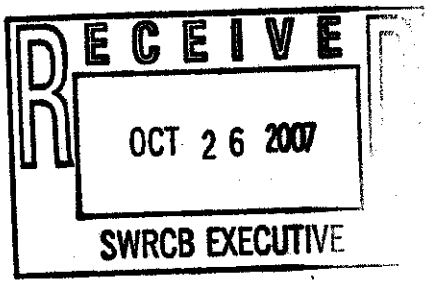
SOUTH BAY
WATER RECYCLING

October 26, 2007



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

By email and facsimile

Subject: Comment Letter – Water Recycling Policy

Dear Chair Doduc and Members of the Board:

Thank you for the opportunity to comment on the proposed Water Recycling Policy. The City of San Jose applauds the Board for its efforts to develop statewide standards that facilitate the use of recycled water, and we are pleased to provide this letter in support of such a policy. However, as detailed below we have some concern about the specific language associated with the policy, and we respectfully offer some suggestions for its improvement.

As we stated during our testimony at your October 2, 2007 workshop on this issue, this year marks the 35th anniversary of the adoption of the Clean Water Act, which legislation, supported by the actions of the State Water Resources Control Board, has been so important to the quality of water in California. This year also marks the 10th anniversary of the dedication of South Bay Water Recycling, our community's regional water reuse program that today delivers over 10,000 acre feet of recycled water annually to more than 500 irrigation and industrial customers. We celebrate these two events jointly because, just as the last century was marked by improvements in the quality of effluent from wastewater treatment plants, the next century will be challenged to make the most of this valuable resource.

So on behalf of the agencies and cities tributary to the San Jose/Santa Clara Water Pollution Control Plant, the City of San Jose shares your appreciation for the importance of recycled water and we support your efforts to update Board policy to keep pace with our need for this resource. With respect to specific aspects of the policy, we would like to offer the following suggestions:

Participating Agencies

City of San Jose

City of Santa Clara

City of Milpitas

West Valley Sanitation District

Burbank Sanitary District

Cupertino Sanitary District

Sunol Sanitary District

County Sanitation District No. 2-3

San Jose Water Company

Great Oaks Water Company

Santa Clara Valley Water District

United States Bureau of Reclamation

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1. Revise the language to unequivocally indicate that the intent of the policy is to establish a "floor" below which projects may not be subject to groundwater protection requirements.

As discussed at the earlier workshop, we understand that it is the State Board's intention to limits the authority of the Regional Boards to prevent or constrain the use of recycled water for irrigation. Specifically, we understand that it is the intent of the State Board to prevent Regional Boards from "singling out" recycled water projects by requiring groundwater monitoring or imposing salinity limits in the absence of basin-wide salinity management policies. However, the language currently used to suggest these limits on Regional Board authority can be and have been already misconstrued by many as placing additional limits on recycled water projects on a statewide basis. This is particularly onerous in areas like San Jose, where our Regional Water Quality Control Board has been generally supportive of water reuse.

Also, we agree with the **WateReuse Association** that the "floor" selected (300 mg/L) is too narrowly selected to accomplish the Board's goals, and inadvertently excludes too many projects that also would benefit appropriately from the State Board's protection. As we noted on October 2, the salinity of our South Bay Water Recycling water quality presently averages about 750 mg/L, which is around 500 mg/L above the underlying groundwater quality (in the range of 250 to 350 mg/L). However, since its inception we have implemented an ongoing groundwater monitoring program which over the past decade has shown no evidence of increasing salinity as a result of irrigation with recycled water.

To address these concerns, in place of the language currently provided we suggest revised wording to the effect of the following:

"7. In such instances as a Regional Water ~~Boards~~ Board has specific concerns about the potential impact of irrigation with recycled water on the underlying groundwater, a Regional Board may shall require the following in waste discharge and water reclamation requirements for recycled water irrigation projects:

(a) the development and implementation of a nutrient management plan;

(b) compliance with the California Code of Regulations, Title 22, Division 4, Chapter 3, Recycling Criteria;

(c) the recycled water to be applied in an amount that does not exceed the amount needed for the landscape or crops, taking into account evapotranspirative demand, the distribution uniformity of the irrigation system, and leaching needed to prevent the buildup of salts in soil;

(d) the monthly average TDS concentration in the recycled water to not exceed the monthly average TDS concentration of the ~~source~~ alternate irrigation water supply or of the existing ground water whichever is greater, plus ~~300~~ 550 mg/l. The monthly average TDS concentration of the source water supply shall be the flow-weighted monthly average TDS concentration of the public water supply of the service area that generates sewage from which the recycled water is produced; etc."

Similarly, we suggest that the language in items 12 and 13 of the preliminary section also be revised as follows:

"12. Through control of industrial discharges and self-regenerating water softeners, a recycled water producer can limit to~~300~~ 550 milligrams/liter (mg/l) the increase of TDS from a community's source water supply to its produced recycled water.

13. Irrigation in amounts that do not exceed the amount needed for landscapes or crops - taking into account evapotranspirative demand, the distribution uniformity of the irrigation system, and leaching needed to prevent the buildup of salts in soil - creates a substantial delay in pollutants reaching groundwater, limiting the effectiveness of groundwater monitoring. Furthermore, it is usually unreasonable to require groundwater monitoring for irrigation projects using recycled water because these projects generally pose a no greater threat to water quality ~~similar to~~ than irrigation projects using surface water or groundwater, for which groundwater monitoring is not required. "

2. With respect to the classification of recycled water projects as disposal projects, we suggest that discrimination should be based on the end use of the water itself, rather than on the general purpose of the project. In our case, South Bay Water Recycling was developed to a large degree as a means of diverting effluent from south San Francisco Bay. Nevertheless, water is applied by our customers at agronomic rates, such that the project itself should be categorized as a "beneficial use." As such we suggest the following modifications:

"5. For the purpose of this Policy, "recycled water irrigation projects" are defined as those projects ~~that use~~ in which recycled water ~~primarily to meet a water supply need instead of a disposal need~~ is applied at agronomic rates to support the establishment and growth of horticultural or agricultural plants, and not where recycled water is applied primarily for the purpose of evaporation, transpiration, groundwater infiltration or disposal. "

Thank you again for allowing us to comment on this important policy. We have every confidence in your ability to mend the policy's present faults, and we are willing to work with you to further revise the policy as may be needed in the future even after is adoption.

Sincerely,

Eric Rosenblum
Division Manager
South Bay Water Recycling
City of San Jose

cc: Michele Pla, BACWA
Mary Grace Pawson, WateReuse Association