12/4/07 Bd. Mtg.
Water Recycling Policy
Deadline: 10/26/07 by Noon

CITY OF
SANTA ROSA

OFFICE OF THE CITY MANAGER
100 Santa Rosa Avenue
Post Office Box 1678
Santa Rosa, CA 95402-1678
707-543-3010
FAX 707-543-3030

October 22, 2007

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

Sent via email to: commentletters@waterboards.ca.gov

Subject: **Comment Letter – Water Recycling Policy**

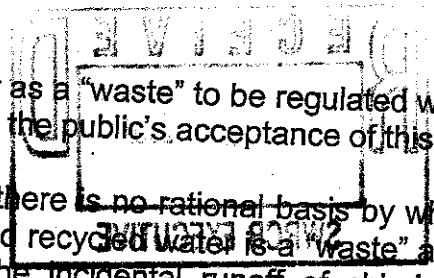
Dear Madame Clerk:

The City of Santa Rosa (City) is pleased to provide these comments on the State Board's September 12, 2007 draft "Water Recycling Policy" (Policy). As a preliminary matter, we would like to note that the City has invested over $350 million into its integrated water recycling program over the past two decades. The City currently recycles 95 percent of the water we produce and is considering further substantial monetary investments to enhance and expand this program. The City takes very seriously the Legislature's mandates to expand water recycling as a means of augmenting potable water supplies.

For these reasons, the City is extremely interested in, and generally supports, the State Board's draft Water Recycling Policy. However, the City believes that, to promote more aggressive water recycling throughout the State, the Policy should be revised to address the following issues.

(1) Incidental Runoff. Currently, the draft Policy does not address the issue of "incidental runoff" of recycled water to areas that may reach surface waters. The staff report and Certified Regulatory Program Environmental Analysis for the draft Policy (PEA) states that "incidental runoff is a federal National Pollutant Discharge Elimination System (NPDES) issue that involves interpretation of federal regulations. For this reason, staff plans to address it in a different process, most likely through the development of a statewide general NPDES permit for discharges of incidental runoff of recycled water." (PEA at p. 1.)

The City disagrees that a separate NPDES analysis and program needs to be completed for incidental runoff of recycled water, and urges the State Board to include this issue within the structure of the currently-contemplated Water Recycling Policy. First and foremost, branding the incidental runoff of highly-treated recycled water as a "waste" that must be regulated under federal and State law contradicts various historical legislative and State Board findings that declare the safe use of recycled water to be a beneficial use. To continue to foster policies or regulations that suggest or characterize



recycled water as a "waste" to be regulated will only hinder expansion of water recycling programs, and the public's acceptance of this water supply resource.

Second, there is no rational basis by which to determine that the incidental runoff of highly-treated recycled water is a "waste" and must be regulated via a NPDES permit scheme, yet the incidental runoff of chlorinated potable water is *not* a waste and requires no regulation. The City urges the State Board to recognize the *de micromis* nature of any potential water quality or environmental impacts that incidental runoff of ***any*** irrigation water will have, including recycled water.

Third, even assuming *arguendo* that the incidental runoff of highly-treated recycled water is *legally deemed* a "waste" and should be regulated under the NPDES system, the City suggests that there is already ample means of regulating these discharges under the municipal stormwater permit process. Irrigation runoff is currently considered to be a "low threat" non stormwater discharge" under the MS4 permits for which no additional regulation is required. Some regional water boards have already interpreted this provision to encompass recycled water used for irrigation (e.g. Los Angeles) while others have expressly excluded recycled water runoff while exempting potable water, groundwater, etc. Directing the Regional Water Boards to cover incidental runoff of recycled water as an authorized low threat discharge in MS4 permits to the greatest extent possible would require far less State and Regional Board resources, require less time to perfect, and provide more than adequate protection of water quality.

(2) Water Storage Impoundments. The current draft Water Recycling Policy specifically does not address the issue of water storage impoundments, and the staff report and PEA states that, "Staff has concluded that instead of the State Water Board developing uniform statewide requirements for impoundments, the Regional Water Quality Control Boards (Regional Water Board) should develop requirements for impoundments on a case-by-case basis." (PEA at p. 1.)

The City respectfully disagrees with the staff's conclusion that allowing the Regional Boards to develop case-by-case requirements for water storage impoundments will help encourage more water recycling throughout the State. The City urges the State Board to include consistent, statewide guidelines that address water storage impoundments because these facilities are endemic to the water recycling programs managed by municipal governments and agencies around the state. It simply makes no sense to separate these facilities out and allow individual regulation of them by the Regional Boards.

The City of Santa Rosa currently manages water storage impoundments that provide some 1,600 million gallons of storage of its highly-treated recycled water. These storage impoundments are very carefully managed throughout the entire year to maximize recycled water use during the dry-weather periods. It is imperative to the City – as it considers further investment of tens of millions of dollars for an expanded urban

reuse program – to be able to rely on reasonable, consistent regulations of these impoundments. More specifically, the City supports language in the Policy that clearly establishes circumstances where no further regulation of recycled water storage impoundments are necessary as relates to so-called anti-degradation issues.

(3) Maximum Allowable TDS Content in Recycled Water. The draft Recycled Water Policy would establish a maximum allowable TDS concentration in recycled water to not exceed the monthly average TDS concentration of the source water, plus 300 mg/L. As a basis for this proposed "source water + 300 mg" limit, the PEA suggests that recycled water producers can regulate salt sources such as industrial users and residential self-regenerating water softeners.

The City of Santa Rosa relies on the Russian River and its tributaries for its drinking water. This source water typically contains TDS at levels below 150 mg/L - - some of the lowest in the State. Despite aggressive industrial source control and pretreatment measures, it is unlikely that the City could achieve TDS levels in its recycled water at or below 450 mg/L. Furthermore, the communities served by the City's wastewater treatment plant do not have a high incidence of residential self-regenerating water softeners. As a result, it is unlikely that the City could improve its regulation of industrial and residential sources to achieve the "source water + 300 mg" limit proposed in the draft Recycled Water Policy.

In sum, the City supports the efforts of the State Board to develop a statewide policy for encouraging more water recycling, and appreciates the focus of the State Board on this matter. If the State of California is to come close to its water recycling goals, laid out by the Legislature several years ago, the current draft Water Recycling Policy will need further revisions to make clear that use of recycled water is a ***benefit*** to the People of the State of California. Moreover, the State Board will need to further remove regulatory barriers that tend to impede the development of robust recycled water programs. Any policy that promotes the misleading notion that highly-treated recycled water should be considered a "waste" for regulatory purposes is such a barrier and should be removed.

Yours truly,

GREG SCOLES
Deputy City Manager

c: Jeff Kolin, City Manager
Board of Public Utilities

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