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4232 Las Virgenes Road
Calabasas, CA 91302
(818) 251-2100
Fax (818) 251-2109

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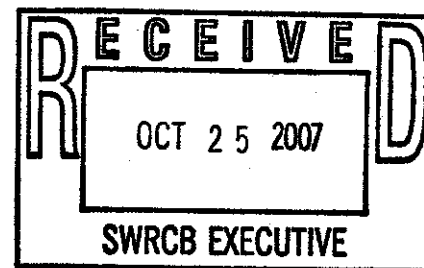
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MEMBER AGENCY OF THE
METROPOLITAN WATER
DISTRICT
SOUTHERN CALIFORNIA

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



October 24, 2007

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

Sent via email commentletters@waterboards.ca.gov

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

Dear Chair Doduc and Members of the Board,

Las Virgenes MWD and Triunfo Sanitation District, a Joint Powers Authority (Authority), appreciates the opportunity to provide comments on the draft Water Recycling Policy. The Authority agrees with the intended goals of the policy, specifically promoting the expanded use of recycled water in the State, creating local non-potable supplies while reducing the amount of imported water along with the related impact on the climate and providing consistency in setting regulations.

For background, the Authority provides wastewater treatment, bio-solids treatment and recycled water in the northwestern portion of Los Angeles County and the southeastern portion of Ventura County. The service area generally consists of the Malibu Creek Watershed and small portions of the Los Angeles River Watershed. Las Virgenes MWD also provides potable water service to its entire service area and Triunfo Sanitation District provides potable water service to the Oak Park portion of their service area. In both cases 100% of the potable water is imported from the State Water Project purchased from the Metropolitan Water District of Southern California. The Authority has a long history of providing recycled water in their service areas starting in 1970s. In the case of Las Virgenes MWD, 20% of the annual water demand is met with recycled water. Today the Authority has an extensive investment in facilities that span two counties making beneficial use of a resource that would otherwise go to waste. The planning process and investment in expanding this local resource continues, as an example the recycled water master plan completed this year identifies over \$25 million in potential expansions of the recycled water system.

In the interests of potable water conservation, beneficial reuse and compliance with the terms of our NPDES permit, we have a vested interest in continuing to promote and expand the use of recycled water. We believe this draft policy is a step in the right direction; however we do have some concerns with the policy that could have the opposite result of deterring or reducing the use and expansion of this valuable resource.

Our concerns are as follows:

The Definition of a Project:

Please consider modifying the definition of a "recycled water irrigation project" to projects that meet water supply as well as disposal needs. While communities may begin water recycling programs with disposal as the primary driver, the increasing value and scarcity of potable water supplies often means that water supply benefits are fully recognized after the project is operational. The policy should enable recycled water irrigation projects, regardless of the initial driver.



Please also consider limiting the definition of a "recycled water project" to the design, construction and permitting of new recycled water systems, not the connection to these systems by individual customers. Our concern is practical: neither the State nor local governments have the resources to administer each hook-up to a recycled water system as a permittee, *even under a General Permit strategy*. The Authority has over 600 recycled water customers ranging from small irrigated green belts to large golf courses, shall each of these customers and any new customers wishing to connect to an existing, already-permitted recycled water system have to first submit a groundwater monitoring plan, a salt management plan, and a nutrient management plan for their property? Draft Resolution 8 states that groundwater monitoring shall be required for a "project" if it is determined that site conditions could cause an adverse affect on public health or surface water quality. Without modifying the definition of a project as we suggest then there is the possibility that groundwater monitoring could be required at the customer level an extremely burdensome if not insurmountable requirement.

Please consider alternative language or approaches, such as:

- a. Substituting the word, "systems" for "projects" wherever appropriate to clarify the policy's intent.
- b. Including specific language in the recitals to clarify the policy's intent on this issue.

Nutrient Management Plans

Please consider modifying the requirement for "nutrient management plans" to a requirement for nutrient management *practices*. This will allow the Authority to work cooperatively with recycled water users in the development of Best Management Practices, without imposing unique management and reporting requirements for irrigation water, which in this case also happens to be recycled water. In addition we have no legal authority or enforcement powers to regulate the application and use of plant nutrients and soil amendments.

Total Dissolved Solids (TDS) concentration limits

Please consider modifying the TDS concentration limits required in waste discharge and water reclamation requirements such that if the concentration in the recycled water meets or is less than the basin plan objective then the recycled water shall be considered in compliance with this policy. Otherwise many agencies will be out of compliance with the policy as soon as it is approved. Again our concern is practical: our source water TDS concentration is 300 mg/L and our recycled water concentration is 800 mg/L, a 500 mg/L difference exceeding the proposed 300 mg/L additive limit. The basin plan objective for the Malibu Creek Watershed is 2,000 mg/L and the Los Angeles River Watershed is 950 mg/L. Adoption of this policy could potentially force us to install advanced treatment processes at significant costs consuming large amounts of additional energy and create another waste stream when we already meet the basin plan objectives.

When the recycled water quality exceeds the groundwater objective for TDS, please consider the use of an *annual* average rather than a monthly average. Given the variability of many agencies' water supplies and the fact that salt buildup from groundwater recharge due to irrigation is at best incidental, an annual average will provide appropriate assurances of water quality without undue monitoring effort.

In spite of the single source (State Water Project) of potable water for the Authority, there are fluctuations throughout the year for TDS by as much as 90 mg/L. Annual averaging would attenuate these differences. If monthly averaging was used instead of annual averaging, a complying TDS value in one month could be a violation in the next month. If it exceeds 40% (as a non-toxic pollutant), it also triggers mandatory minimum penalties (MMP) for the discharger.

We also wish to point out that we supplement our recycled water system in the summer by adding groundwater pumped from wells in the area. The flow relieves potable water demand and goes directly to the wastewater treatment plant. This flow contains an average TDS of 1800 mg/L. When blended with the sewer flows, the resulting TDS still complies with the Basin Plan limits. However, the draft policy does not recognize the higher TDS from non-potable water sources. If adopted, this would potentially impact our current, or future plans to expand use of groundwater, to augment the recycled water supply.

Incidental Effects of Recycled Water Use

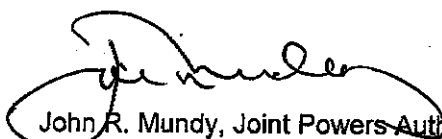
Resolution 7(e) of the draft policy would require that recycled water irrigation projects (as currently defined in the draft policy) shall be in compliance with the federal Code of Regulations, Chapter 40, part 122, National Pollutant Discharge Elimination System. We can not support a policy that would require NPDES permitting for recycled water irrigation, in particular the application and incidental run off associated with its use. This is an unnecessary and duplicative regulatory effort. Please consider eliminating this statement from the policy recognizing that a regulatory framework already exists that adequately addresses this issue.

In closing we once again want to assure you that the Authority agrees with the intended goals of the draft policy for promoting the expanded use of recycled water in California, of creating local non-potable supplies while reducing the amount of imported water and the related impacts on climate as well as providing consistency in setting regulations.

The Authority takes pride in its role as a leader in the use of recycled water and has developed an extensive system that makes use of this valuable resource not only for the benefit of our ratepayers but for all people of the State of California. We urge you to consider making the changes we suggest so the policy meets its intended goals along with the recycled water goals already enumerated by the State. Above all, we seek to avoid the opposite result of deterring or eliminating the further development and use of recycled water.

If you or your staff have any questions on these suggestions please call Dr. Randal Orton or David Lippman on my staff.

Very Truly Yours,



John R. Mundy, Joint Powers Authority
Administering Agent, General Manager