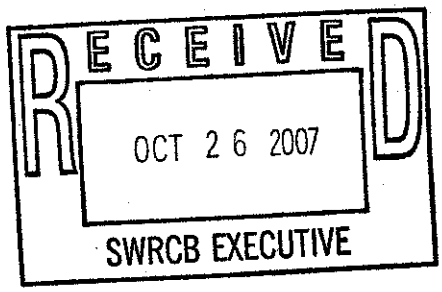
12/4/07 Bd. Mtg.
Water Recycling Policy
Deadline: 10/26/07 Noon

October 26, 2007

Tam Doduc, P.E., Chair
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814



Subject: comment letter – proposed water recycling policy

Dear Madam Chair:

Wine Institute, the public policy advocacy association representing 1,000 California wineries and affiliated businesses responsible for 85 percent of the Nation's wine production and more than 90 percent of the United States' wine export, provides written comments regarding the State Water Resources Control Board's proposed water recycling policy.

Wine Institute and its members understand and value the importance of using water efficiently and protecting water quality. A critical element to the sustainability of wineries and vineyards is the ability to affordably acquire, use, process, discharge and recycle water of high quality; in addition, WI co-sponsored the Code of Sustainable Winegrowing Practices Self-Assessment Workbook, which provides winegrape growers and vintners with educational tools to increase adoption of sustainable practices, and to measure and demonstrate ongoing improvements in vineyards and wineries. This comprehensive workbook includes but is not limited to chapters on soil management, vineyard water management, winery water conservation and quality, and solid waste reduction and management.

Wine Institute and stakeholders, including SWRCB staff, are currently researching and developing a comprehensive guidance document for use by the wine and grape community to accelerate adoption of best management practices for source water, process water and associated energy use. The final document will provide a structured approach for self-evaluation of winery operations and identify opportunities to improve systems, which includes the use and reuse of winery process water. Winery process water can be a valuable addition both inside and outside the winery, including for fire protection, ponds, wetlands, irrigation of landscapes and vineyards, and groundwater recharge.

Wine Institute recommends that the SWRCB's proposed water recycling policy be guided by the definition and use of recycled water as set forth in the Porter-Cologne Water Quality Control Act. This definition reads: "recycled water means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource." This definition would provide consistency between or among regional water quality control boards, and make it clear that the proposed policy applies only to water that is the result of treatment. The process water discharge from wineries would not immediately meet the definition of "recycled water" because process water is currently untreated; in addition, land application of winery

process water, which is regulated by waste discharge requirements issued by RWQCBs, is a disposal activity not a primary source of water supply.

The intent of SWRCB's proposed policy is to ensure compliance with the State's Anti-Degradation Policy and ensure that recycled water projects can meet a set of statewide uniform standards. Wine Institute understands that this proposed policy applies to only two types of projects: groundwater recharge/reuse and recycled water irrigation.

Relevant to recycled water irrigation projects, the proposed policy's preferred alternatives determine that nutrient management plans, water budgets and limits on how much the recycled water's salinity can exceed the source water salinity (300 mg/L) in order to meet SWRCB's Anti-Degradation Policy requirement for best available control technology. Would nutrient management plans be necessary for each project? Projects currently operating under best available control technology or best management practices should be deemed in compliance.

The proposed 300 mg/L increment for Total Dissolved Solids above source water may not be routinely attainable. What is the scientific documentation for this proposed numeric value? If recycled irrigation water doesn't meet this numeric value, what happens to the water?

SWRCB's proposed water recycling policy would impact fertigation. Fertigation is the use of an irrigation system (furrow, sprinkler, drip) to deliver fertilizers and soil amendments. In some situations where a significant nutrient deficiency is being corrected, it is necessary to make single applications of fertilizers at appropriate quantities that cannot be applied through drip irrigation.

For recycled water irrigation projects, WI recommends SWRCB's proposed policy allow a conditional waiver for growers and vintners who have adopted and implemented best management practices that include protection of groundwater quality.

Wine Institute provides the following recommendations regarding SWRCB's draft water recycling policy resolution:

Page 1, Finding 6, contains a statement that salts in recycled irrigation water inevitably percolate to the groundwater table. This statement is an overbroad characterization of the extent to which salts in water applied for irrigation percolate into groundwater tables. The actual extent varies on a case-by-case basis and is based upon a variety of factors, including the depth to groundwater and the nature of the soils in question.

Page 1, Finding 7, references the requirements in the Water Code for implementation plans in RWQCB basin plans. The SWRCB should include the provisions of Water Code Section 13141 related to agricultural water quality control plans in this finding. The State board's omission does not change the law, but it would still be a good idea to include it for the benefit of RWQCBs.

Page 2, Finding 13, makes the argument that, as long as excessive recycled water is not applied, groundwater monitoring is not necessary because any salts will move very slowly to the groundwater table. The SWRCB should change the statement "limiting the effectiveness of groundwater monitoring" to "rendering groundwater monitoring ineffective and unnecessary, such that the burden, including the costs,

of groundwater monitoring reports would not bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports." This text uses the terms of Water Code Section 13267(b), thereby providing a reasonable standard for RWQCB's to meet if one or more choose to supersede SWRCB.

Also in Finding 13, the statement "irrigation projects using recycled water generally pose a threat to water quality similar to irrigation projects using surface or groundwater" should be restated to say "irrigation projects using recycled water generally pose no greater threat to water quality than projects using surface or groundwater."

Page 4, in resolution paragraph 7(d), the limitation on salinity increases in recycled water should not apply where the salinity of recycled water does not exceed the salinity water quality objective established in a basin plan for the receiving groundwater basin.

Page 5, resolution paragraph 8, RWQCBs are authorized to require groundwater monitoring under somewhat vaguely defined circumstances. Wine Institute recommends that "shall" be changed to "may" in the first line of that paragraph, and that RWQCBs are required to get approval from SWRCB before imposing groundwater monitoring requirements. Since the drafted conditions reference shallow groundwater, as a condition that may allow for groundwater monitoring (with impacts on public health being the concern), then the resolution should limit groundwater monitoring to those conditions and require that public health officials make that kind of finding.

Page 5, resolution paragraphs10 and 11, should be rewritten to designate the Department of Public Health as the lead entity to establish MCLs for protection of public health. RWQCBs should neither set MCLs nor supersede MCLs established by DPH.

Page 6, Resolution paragraphs 17 and 18, should be clarified that they only apply to groundwater recharge reuse projects.

It is unclear how SWRCB's proposed water recycling policy would impact current regional board activities or programs. For example: 1) Central Valley Regional Water Quality Control Board Salinity Policy Group's deliberations; and 2) general waste discharge requirements for winery wastewater systems at CVRWQCB and North Coast Regional Water Quality Control Board. Coordination of these aforementioned examples between SWRCB and RWQCBs is encouraged while duplication and conflict are strongly discouraged.

Thank you for the opportunity to comment. Wine Institute looks forward to working with SWRCB staff on the development of this important policy.

Sincerely,

Lucinda Chipponeri
Legislative and Regulatory Representative

Original letter to all members of the SWRCB via email with original via USPS; cc to lead staff at the following address and via email:

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