



South Orange County Wastewater Authority



Via Email

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Subject: **Comment Letter – Proposed Recycled Water Policy Amendment**

The South Orange County Wastewater Authority (SOCWA) is a ten-member joint powers authority serving approximately 500,000 people in South Orange County. SOCWA supports the State Water Resources Control Board's (State Water Board's) efforts to amend the existing Recycled Water Policy. Expansion of recycled water is an important component of diversified, local supplies in South Orange County. The draft Policy for Water Quality Control for Recycled Water (Proposed Policy) contains many provisions that will enable water utilities in the SOCWA service area to transition the existing recycled water supplies into direct potable reuse for reservoir supply augmentation in a safe and effective manner.

The proposed policy has many updates that are beneficial to SOCWA and member agencies. SOCWA appreciates the removal of a unenforceable mandate on the total amount of recycled water usage in California, adding language stating that the regional boards are to use their authority to the fullest extent possible to streamline permitting of recycled water projects, remove the requirement for all irrigation projects to have an operations and maintenance plan (instead allowing regional board discretion on this issue), allowing groundwater recharge projects to comply with the Antidegradation Policy by demonstrating that their project is consistent with an adopted SNMP, removal of required management practices associated with controlling and limiting incidental runoff, and removal of required priority pollutant monitoring for non-potable reuse projects.

However, it appears that other provisions of the Proposed Policy will increase the regulatory burden on recycled water and result in delays and increased costs associated with recycled water projects. SOCWA's concerns are focused on (1) reducing duplicative monitoring requirements for recycled water and SNMP monitoring reporting and (2) consistency with State-wide efforts related to development of a California quality management system as required in AB 1438.



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Historical Nature of the Proposed Policy

The original Recycled Water Policy was adopted in 2009 with the purpose of increasing the use of recycled water from municipal wastewater sources. It appears that the Proposed Policy is heading in a different direction, and its purpose would no longer be to increase usage of recycled water. Rather, the focus seems to be on increasing the safety of recycled water and to provide direction to various parties on permitting of recycled water projects. This change in the purpose of the policy is not warranted. It continues to be essential to expand recycled water usage, as the concerns outlined in the Preamble of the original Recycled Water Policy are still valid (e.g., the Bay Delta ecosystem, climate change, population growth, droughts, etc.). Additionally, it is unclear why there appears to be a focus on increasing the safety of recycled water in California, which has not been an issue over the entirety of its use in California. This is especially true in South Orange County where agencies have been recycling water over the last 40 years without any adverse health effects.

This change in focus is reflected in the proposed title for the policy, which would be amended from “Recycled Water Policy” to “Policy for Water Quality Control for Recycled Water.” We request that the original title be retained, to reflect that the purpose of the Policy is to broadly facilitate use of recycled water and not just to control its quality. We also request that the stated purpose of the Policy be reinstated to the purpose in the original Recycled Water Policy, i.e. “The purpose of this Policy is to increase the use of recycled water from municipal wastewater sources...”.

Definitions

The Proposed Policy includes definitions for enclosed bays, estuaries and coastal lagoons, and ocean waters. These terms have already been defined by the State Water Board in documents such as the Policy for Implementation of Toxic Standards for Inland Surface Water, Enclosed Bays, and Estuaries of California. In addition, the definitions should include reference to elements of a consistent, approved, quality assurance systems that are consistent with systems used at the SWRCB and the EPA as referenced in Attachment A. To avoid confusion or inconsistencies, it is recommended that definitions for these terms not be included in the Proposed Policy, but instead a reference be made to where definitions can be found.



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Statewide Consistency

Section 1.5 of the Proposed Policy addresses the State Water Board's intent regarding statewide consistency in recycled water permitting. The language in the Proposed Policy is weaker regarding statewide consistency than the language in the original Recycled Water Policy. The original Recycled Water Policy stated intent was to "maximize" consistency, while the proposed language stated intent is to only "promote" consistency. SOCWA believe that statewide consistency is essential to promoting increased use of recycled water, and requests that language to "maximize" consistency continue to be used in the Policy. This is especially important when considering the public's acceptance of recycled water for the various uses outlined. Recycled water in San Diego should be of the same quality as recycled water in Sacramento.

Reporting Requirements

SOCWA supports the State Water Board's efforts to develop more usable and accessible data regarding recycled water usage. To comply with its recycled water permit requirements, SOCWA has always provided information on recycled water usage, both to individual sites and through discrete distribution systems to the San Diego Regional Water Quality Control Board. Developing a process to compile information on recycled water usage statewide will greatly enhance the ability of the State Water Board to understand and communicate the status of recycled water usage across the state.

However, we have some concerns about the reporting requirements as they are currently proposed. First, we feel that it is critical to avoid duplicate reporting of extensive amounts of data. SOCWA already reports all of the information required under Section 3.2 on a monthly, quarterly basis, or annual basis depending on the treatment plant. We therefore support the language on pages 45-46 of the Staff Report that call for the reporting in the Proposed Policy to replace existing regional water board reporting requirements. Additionally, while Section 3.2 calls for reporting on a monthly basis, submittal of reports should not be required at more than a quarterly frequency. Combining of three months of data into one quarterly report will save resources on the part of recycled water producers to prepare the reports, and resources on the part of the water boards to review the reports. It does not appear that there is an urgent need for the data and therefore it shouldn't not be required to be submitted on a monthly basis.

Second, the requirement for municipal wastewater treatment plants to report plant influent flows should be removed. Production of recycled water will be quantified directly, so reporting of influent flows will not provide any useful information. Some municipal wastewater treatment plants are not able to measure influent flows due to their configurations. In addition, the water reclamation plants in the SOCWA service area already report influent flow data that is contained in the California Integrated Water Quality System (CIWQS). Duplicative reporting is inefficient therefore SOCWA requests the removal of this requirement

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Salt and Nutrient Management Plans

SOCWA is a leader in the development and maintenance of salt and nutrient management plans (SNMPs) and appreciate the SWRCB's efforts in formalizing many of the aspects of SNMP used as a technical tool in management of ground water basins. There are however a few concerns that we would like addressed.

Use of Existing Wells in Monitoring Plans

The existing Recycled Water Policy states that the "preferred approach to monitoring plan development" is to collect samples from existing wells to the extent feasible. The Proposed Policy, at Section 6.2.4.1.2, would remove use of existing monitoring wells as a "preferred approach" and simply state that use of such wells is allowed. This may be problematic, because use of existing wells provides the most cost-effective means of monitoring the ground water basins. Retaining this verbiage could possibly avoid an arbitrary expensive and time-consuming requirement to construct new wells. This will help contain costs associated to the preparation of SNMPs which is critical as this unfunded mandate to produce these documents typically do not have an identified funding source for preparing and/or maintaining the plans.

SNMP Reporting Frequency & Data Management

The Proposed Policy, at Section 6.2.4.1.3, would increase the reporting frequency of SNMP data from every three years to annually, and would require electronic reporting "to a database identified by the regional board". If the regional boards will only be assessing the data every 5 or 10 years, it is not clear why reporting needs to be conducted annually, instead of every three years. In addition, the database identified in the Policy (e.g. GeoTracker) does not have the level of sophistication to handle the extensive water quality data points needed to understand cumulative impacts to sub-watersheds overlying groundwater basins in California. The SNMPs exist as technical documents to assess impact and inclusion in additional databases would dilute the ability for meaningful reference. Therefore, SOCWA requests the "e.g., GeoTracker" reference be removed from the Proposed Policy.



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Quality Assurance and Quality Control

Section 1 of Attachment A of the Proposed Policy specifies quality assurance/quality control (QA/QC) measures that must be established for a laboratory to undertake constituent of emerging concern (CEC) monitoring, including bioanalytical screening. The QA/QC system exists not only in the laboratory but more broadly in the sample collection process. Attachment A should refocus this broader perspective in alignment with State objectives and existing quality management strategies.

Quality Assurance Project Plan

The introductory language to Section 1 of Attachment A requires submission and approval of a quality assurance project plan (QAPP) prior to beginning any sampling and analysis. We applaud the State Boards effort in this areas as the QAPP connects sample collection to results in meaningful ways. However, there are several different QAPP templates available, including ones developed by the U.S. EPA, the Surface Water Ambient Monitoring Program (SWAMP), and the State Water Board's Office of Information Management and Analysis. It would be helpful if the Staff Report would include a list of required QAPP elements and/or include a list of which QAPP templates are acceptable.

TNI Reference Should be Removed for Statewide Consistency

Attachment A, Section 1.1 requires use of the National Environmental Laboratory Accreditation Conference Institute (TNI), 2016 Standard to demonstrate that an adequate quality management system is in place. However, the Proposed Policy does not specify what documentation needs to be maintained to demonstrate compliance with the TNI requirements. Additionally, the 2016 TNI standard has not yet been implemented by TNI. Instead, the 2009 Standard is currently being used by TNI. The Proposed Policy should therefore strike the reference to TNI because (1) full TNI accreditation is not proposed in the California Environmental Laboratory Accreditation Program (ELAP) regulation, (2) ELAP does not have the ability to certify bioassay methodologies, and (3) the four laboratories that can complete the bioassay testing currently are certified through ISO/IEC 17025 certification not the TNI standard. We recommend that State Board staff develop quality management plans that are consistent with other efforts currently being undertaken at the State level as reference above in compliance with AB 1438, the foundational legal framework that governs ELAP.



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Concluding Remarks

SOCWA applauds the significant work efforts the State has undertaken to conduct an extensive review of the water quality parameter requirements in the Proposed Policy. We appreciate the opportunity to work with the Board on this matter. Please feel free to reach me at 949-234-5409 or abaylor@socwa.com.

Thank you for the opportunity to provide input,

Amber M. Baylor

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SOCWA