

Heal the Bay

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June 26, 2018

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

*Sent via e-mail to: Jeanine.Townsend@waterboards.ca.gov*

## RE: AN AMENDMENT TO THE POLICY FOR WATER QUALITY CONTROL FOR RECYCLED WATER

Dear Chair Felicia Marcus and Members of the State Water Resources Control Board:

Heal the Bay is a nonprofit organization with over 15,000 members dedicated to making the coastal waters and watersheds of Greater Los Angeles safe, healthy, and clean. On behalf of Heal the Bay, I respectfully submit the following comments on the Amendment to the Policy for Water Quality Control for Recycled Water (Recycled Water Policy).

The use of treated wastewater for beneficial purposes is essential to reach water sustainability in a semi-arid state such as California. With the recent passing of two State Bills, SB 606 (Hertzberg) and AB 1668 (Friedman), state legislators have recognized the need for permanent water conservation efforts throughout California, even in non-drought years. The State Water Resources Control Board (State Board) supports an increased use of recycled water in order to reach these water sustainability goals, stating that "... it is the intention of the legislature that the state undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the State"<sup>1</sup>. Heal the Bay commends the State Board for their efforts to maximize the safe use of recycled water in a way that is protective of public and environmental health.

However, we have a few remaining concerns with the goals and requirements presented in the Proposed Amendment to the Recycled Water Policy. In order to truly maximize the use of recycled water while maintaining protection for public and environmental health, we recommend that the State Board make the following revisions to the Policy for Water Quality Control for Recycled Water:

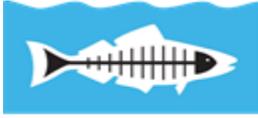
- Eliminate direct discharge, except where necessary to maintain beneficial uses
- Maintain water quality monitoring necessary for intended purposes
- Maintain stringent implementation and regulation requirements for Salt and Nutrient Management Plans (SNMPs)
- Require adaptive management to address Contaminants of Emerging Concern (CECs)

These recommendations are explained in further detail below.

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<sup>1</sup> California Code of Regulations: Water Code 13512.

<http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=WAT&tocTitle=+Water+Code+-+WAT>



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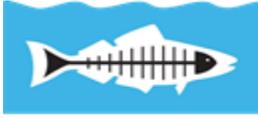
**The goal of the Recycled Water Policy must be to *eliminate* the direct discharge of treated water to closed bays, estuaries and coastal lagoons, and ocean waters, except where necessary to maintain beneficial uses.** The goal of the Recycled Water Policy is to minimize this discharge. However, any direct discharge of recycled water is a waste of our water resources, which could be allocated for beneficial use. Currently approved uses for treated wastewater include non-potable reuse (e.g. irrigation) and indirect potable reuse (e.g. groundwater recharge, seawater intrusion barriers, etc). There are efforts in motion to allow for direct potable reuse of recycled water in the future, as well. With so many potential beneficial uses for treated wastewater, it is essential that we eliminate direct discharge of this valuable resource, except when direct discharge is necessary to maintain beneficial uses, such as biological habitat to support native species.

**We must ensure that recycled water is treated to the extent necessary for its intended purpose, so that we can protect public and environmental health while we maximize recycled water use.** The proposed amendment to the Recycled Water Policy would remove priority pollutant monitoring requirements for certain non-potable beneficial uses, such as irrigation. However, contaminated water used for irrigation can negatively affect healthy soil, and potentially contaminate our groundwater resources, if irrigation water is able to percolate down to the water table. Therefore, we must maintain priority pollutant monitoring requirements, even for non-potable irrigation beneficial uses. While we do encourage increased use of recycled water, California cannot become a sustainable state unless we also protect public and environmental health.

**The implementation and regulation of a SNMP must be required, with consequences if the requirements are not met by the deadlines given.** Under the current approved Recycled Water Policy, every region is required to complete a SNMP by February, 3 2016. Many regions have not complied with this requirement. The proposed amendment to the Recycled Water Policy would instead require that regions must consider a SNMP by 2020, and adopt the SNMP by 2026. However, the requirement to adopt the SNMP into the region's basin plan has been removed. We recommend that the requirement to adopt the SNMP in the basin plan remain in the Recycled Water Policy.

It is also essential that the State Board not extend the requirement to adopt a SNMP beyond the proposed deadline (2026) during any subsequent amendments to the Recycled Water Policy. Salt and nutrients, left unmanaged within a waterway, can have detrimental effects on water quality and ecological health. The State Board must be able to enforce the 2026 deadline for adoption of a SNMP, and regulatory action must be taken if this deadline is not met.

**An adaptive management plan for the use of recycled water is necessary in order to properly monitor and regulate CECs.** We recommend that the State Board continue to support the incorporation of bioanalytical screening methods into the CEC Monitoring Program and invest in research to expand a bioscreening toolbox. There is also a need to maintain an adaptive management plan for the monitoring of CECs in recycled water, based on most current available scientific studies. The State Water Board should reconvene the CEC expert panel every 3 years to reevaluate the CEC Monitoring Program, develop monitoring protocols to detect CECs impacting aquatic health, and investigate the risk and potential health exposure to cumulative CECs at low levels.



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In California today, there is a need to capture, conserve, reuse and restore our water resources, even during non-drought years. Although Governor Brown declared an end to the five-year drought in 2017, there are many areas in California that have already returned to drought conditions, and even severe drought conditions. California must shift towards a lifestyle of water conservation, even during non-drought years. In order to reach our sustainability goals in California, we must eliminate direct discharge of recycled water, except where necessary to maintain beneficial uses. However, our use of recycled water must be done in a way that also protects public and environmental health. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Annelisa Ehret Moe".

Annelisa Ehret Moe  
Water Quality Scientist  
Heal the Bay