



CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061



David Glass
Mayor

June 26, 2018

Chris Albertson
Teresa Barrett
Mike Healy
Gabe Kearney
Dave King
Kathy Miller
Councilmembers

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

VIA EMAIL: commentletters@waterboards.ca.gov

Subject: Comment Letter – Proposed Recycled Water Policy Amendment.

Public Works & Utilities

City Engineer
11 English Street
Petaluma, CA 94952
Phone (707) 778-4303

Environmental Services
Ellis Creek Water
Recycling Facility
3890 Cypress Drive
Petaluma, CA 94954
Phone (707) 776-3777
Fax: (707) 656-4067

Parks & Facility
Maintenance
840 Hopper St. Ext.
Petaluma, CA 94952
Phone (707) 778-4303
Fax (707) 206-6065

Transit Division
555 N. McDowell Blvd.
Petaluma, CA 94954
Phone (707) 778-4421

Utilities & Field Operations
202 N. McDowell Blvd.
Petaluma, CA 94954
Phone (707) 778-4546
Fax (707) 206-6034

E-Mail: publicworks@ci.petaluma.ca.us

Dear Ms. Townsend,

The City of Petaluma, one of the oldest cities in California, is home to over 62,000 people. Petaluma is located in the north San Francisco Bay area and provides full services to its residents, including water supply and wastewater management with water conservation and wetland restoration programs. The City delivers tertiary-treated recycled water to urban parks, schools, and landscaped areas and to surrounding agricultural properties. The City is pleased to submit comments on the Proposed Recycled Water Policy Amendment.

1. We recommend changes to the Definitions section of the Amendment.

- a) Tidally influence streams should be differentiated from those that have potential MUN use.
- b) The definition for “Estuaries and coastal lagoons” should consider sloughs subject to tidal influence.

2. Our primary comments relate to Section 5 of the Proposed Amendment.

Section 5 addresses wastewater change petitions that may be required pursuant to Water Code Section 1211 if a recycled water project results in reduced stream flows. Most recycled water projects, certainly where the Producer is also regulated by an NPDES permit, will by definition result in a reduced volume of discharge to a receiving water body. To encourage the expansion of recycled water, wastewater change petitions for recycled water projects should not be required under most circumstances, and the review of petitions should be streamlined and expedited. The Proposed Amendments should be revised to

clarify that not “every” project triggers a full 1211 analysis. Specifically, the City recommends that the Proposed Amendment include the following:

- a) There should be language about *de minimis* changes that can be exempted from wastewater change petitions. This may include recycled water projects that decrease discharges to tidal sloughs or projects that decrease discharges below a certain threshold (such as 10%).
- b) Division of Water Rights should improve coordination with the State Water Board’s Division of Financial Assistance and other funding agencies, who already review the information required in wastewater change petitions as part of CEQA review or other permitting.
- c) There should be a streamlined review process for projects that reduce flows to streams or waterways where there is no downstream legal user, and projects where there has already been review of the downstream impacts of the wastewater treatment facility and recycled water program. The streamlined review should consider previous CEQA or other environmental review that evaluated impacts on instream uses at discharge rates that incorporate expected expansions of a facility’s recycled water program.
- d) The State Water Board or Regional Board should identify streams where a wastewater change petition is not required or should be expedited for recycled water projects. These may include streams with no downstream beneficial use that would be detrimentally impacted (such as tidal sloughs), or streams where the recycled water project proponent is the only permitted discharger.

3. In addition to these comments, the City supports and echoes the comments addressed by the Bay Area Clean Water Agencies (BACWA).

City Experience

To demonstrate the significance of the processing of wastewater change petitions, it is useful to describe the City’s experience in this issue.

The City’s Ellis Creek Water Recycling Facility (NPDES Discharge Permit No. CA 0037810; Order No. R2-2016-0014) began service in 2009, and replaced the original 70 year-old wastewater treatment facility. The Ellis Creek facility has a permitted capacity of 6.7 million gallons per day (MGD) average dry weather flow (ADWF) and up to 36 MGD during peak wet weather flow conditions. The facility discharges to the Petaluma River, a tidal slough for most of its length that is connected to San Pablo Bay. Discharge is prohibited during the summer months (May 1 through October 20), unless the facility’s effluent flow will exceed the capacity of the recycled water distribution and storage system to meet recycled water demand. In 2017, the City treated 2,192.53 million gallons of wastewater, with ADWF of approximately 4.5 MGD.

The City’s recycled water system is permitted by the San Francisco Bay Regional Board under General Water Reuse Order No. 96-011. The tertiary recycled water system has a current capacity of 4.68 MGD. In 2017, during the non-discharge season, Petaluma distributed 430 million gallons of tertiary recycled water for irrigating over 1,200 acres of agriculture and urban landscape. In addition, the Ellis Creek Water Recycling Facility utilized 120 million gallons of

the tertiary treated effluent for process water and on-site irrigation. Recycled water uses represent 26% of the total wastewater treated in 2017.

In 2016, the City was pursuing Proposition 1 funding from the State Water Board for an extension of our urban recycled water distribution system. The City proposed to reduce wastewater discharges by 32 million gallons per year (98.9 acre-feet per year), which is less than 3% of the City's total effluent discharge to the Petaluma River. The City consulted in advance with the Division of Water Rights on the need for a wastewater change petition for a minor reduction in discharge.

The City noted that it had analyzed downstream impacts on species in the 2002 Environmental Impact Report (EIR) for the City's wastewater treatment plant. In addition, the EIRs for the Water Recycling program and the City's General Plan considered growth in City. The EIRs did not identify any impacts that had not already been addressed. The California Environmental Quality Act (CEQA) requires that projects not be evaluated in isolation; the increase in discharges as growth occurs must be considered simultaneously with the decreases in discharges due to increased recycled water and conservation. The City's analysis showed that there is actually a net increase in discharge over the planning horizon.

Despite the minor reduction in discharge, Division of Water Rights determined that a wastewater change petition was required. After submission of the application in August 2016, the processing of the wastewater change petition took over six months. It was City's intent to provide everything necessary to allow smooth and timely review by Water Rights. After submittal, Water Rights' review was protracted and piecemeal with no clear idea what analysis was required to complete the review nor when the review would be complete.

If the City's experience is an example of normal processing for a minor change in discharge for a recycled water program that had already been fully evaluated under CEQA and by Fish & Wildlife, we anticipate that expansion of the review to every project that results in a decrease to discharges to streams will cause multi-year delays for recycled water projects.

The City is willing to provide more detail of its experience with the wastewater change petition process, and to recommend specific changes in the process to streamline recycled water projects.

Thank you for the opportunity to comment. If you have any questions, please contact me at 707-778-4593, or Leah Walker, Environmental Services Manager, at 707-778-4583 or lwalker@ci.petaluma.ca.us.

Sincerely,



Dan St. John, F.ASCE
Director of Public Works & Utilities

c: Leah Walker