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June 26, 2018

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board 10001 I Street
Sacramento, CA 95814



RE: Proposed Amendment to the Policy for Water Quality Control for Recycled Water

Dear Chair Felicia Marcus and members of the State Water Board:

Please accept the following comments on behalf of Heal the Ocean (HTO), a Santa Barbara-based citizens' action group which has for many years been involved in the political evolution of a recycled water supply for California, in concert with the State Water Board mandate to increase the use of recycled water in California by 200,000 afy by 2020 and by an additional 300,000 afy by 2030.

In 2010 HTO published *California Ocean Wastewater Discharge Inventory and Report* to lay a foundation for recycled water supplies lost to the ocean. In 2015, we published and distributed throughout the state a white paper, authored by James Hawkins, *Potable Reuse: A New Water Resource For California*.

Heal the Ocean followed the Southern California Coastal Water Research Project SCCWRP Panel of Experts' approach to monitoring strategies for CECs in Recycled Water since the process started in 2009 - from "Contaminants" to "Chemicals" to "Constituents." We pushed for the final report from the expert panel to be a truly a sufficient guideline for the monitoring of CECs that could be instituted by the State Water Resources Control Board in its Recycled Water Policy. In 2012 we asked the SCCWRP expert panel that a review schedule for CEC guidelines be no less than every three years.

Now comes the **Proposed Recycled Water Policy Amendment**, which the State Water Board is considering for adoption, and the proposed CEC review schedule in this new draft is five years. But more alarming is the State Board's abandonment of the recycled water mandate itself.

Heal the Ocean Concerns with Proposed Amendment:

I. MANDATE

First and foremost, we find it disconcerting that the State Board is abandoning its mandate by deleting the following:

(1) The State Water Board hereby establishes a mandate to increase the use of recycled water in California by 200,000 afy by 2020 and by an additional 300,000 afy by 2030. These mandates shall be achieved through the cooperation and collaboration of the State Water Board, the Regional Water Boards, the environmental community, water purveyors and the operators of publicly owned treatment works. The State Water Board will evaluate progress toward these mandates biennially and review and revise as necessary the implementation provisions of this Policy in 2012 and 2016...

And replacing it with this:

3. 4. Mandate for the Use of Recycled Water Goals and reporting requirements to track recycled water

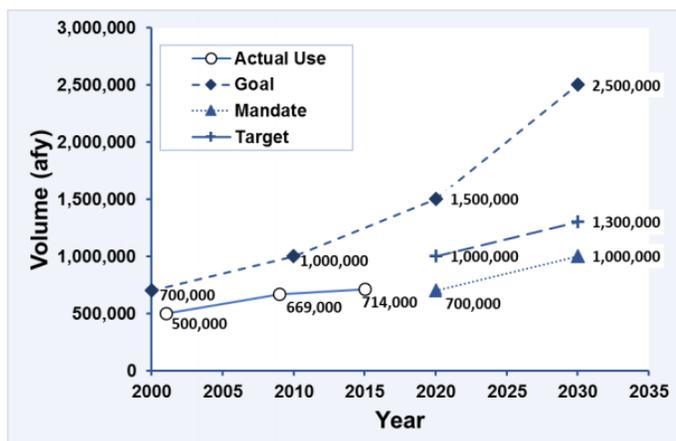
3.1. Goals. To encourage (emphasis ours) the increased use of recycled water in California, the State Water Board adopts the following goals:

3.1.1. Increase the use of recycled water from the use of 714,000 acre-feet per year (afy) to 1.5 million afy by 2020 and 2.5 million afy by 2030.

3.1.2. Minimize the direct discharge of treated municipal wastewater to enclosed bays, estuaries, and coastal lagoons, and ocean waters, except where necessary to maintain beneficial uses. For the purpose of this goal, treated municipal wastewater does not include brine discharges from recycled water facilities or desalination facilities.

While the afy numbers are hugely increased from original to revised draft (200,000 afy - to 1.5 million afy by 2020; 300,000 afy to 2.5 million afy by 2030), these numbers are meaningless (maybe even disingenuous) because all of these numbers are negated by the word "encourage," which converts this exercise into an aspiration, not a mandate.

Staff claims this change will have no practical effect since the tools are currently not in place to enforce, but HTO believes giving up a mandate that came about because of severe drought that has not abated, is a very big deal. We reproduce the graphics of the original mandate here:



Source: California Water Plan (DWR 2014) and Recycled Water Policy
Baseline: 2001 Survey, 2009 Survey, 2015 Survey
1 Acre-foot= 1233.48 m³; the volume of water to cover one acre one foot deep

Figure 4-1 Recycled water goals and mandates from the Recycled Water Policy, targets from the 2013 California Water Plan Action Update, and actual statewide recycled water use from the 2001, 2009, and 2015 Recycled Water Surveys

"If the mandates were maintained, the State Water Board would need to develop tools to make the mandates enforceable. But at this time, pursuing a path of enforcement is not appropriate. Currently, there is lack of a comprehensive tracking and reporting system

for recycled water use that would be needed to understand whether or not mandates are being achieved accurately. (Emphasis ours.)

”Furthermore, some regions of the state (i.e., the North Coast Region) have an abundance of clean, potable water. Not all regions of the state can reasonably meet mandates for the production and use of recycled water because of a lack of demand. Once tracking recycled water use improves and there is a better understanding of how much wastewater is available and feasible to recycle, mandates could be implemented and made enforceable through a future Policy amendment. (Emphasis ours.)

Heal the Ocean would like to take the opportunity to advise the Water Board that Heal the Ocean is about to publish an online interactive ***"Inventory of Municipal Wastewater Discharges to California Coastal Water Bodies: CY 2015"*** which has been compiled over the past four years by James Hawkins and Heal the Ocean staff, with close input from the Department of Water Resources. This report will be accessible to the State Board, and to all, by August 2018 - and illustrates the following:

- **417 billion gallons (1.28 million acre-feet)** of treated municipal wastewater was discharged from treatment plants at 56 discharge locations into California coastal water bodies, including the Pacific Ocean and the San Francisco Bay, in the calendar year 2015;
- This water could be available for landscape irrigation, groundwater recharge, or eventually direct use in drinking water supplies;
- If an aggressive 85% of 2015 municipal wastewater effluent were recycled and used to offset or supplement drinking water supplies, 29% of urban water use in California's coastal regions could be met;

The HTO Inventory Report emphasizes that engineering feasibility and financial considerations will be significant factors in determining the viability of using existing coastal wastewater discharges for increasing recycled water production. However, HTO participates in the Santa Barbara County Integrated Regional Water Management (IRWM) program and matches wastewater plants with state low-interest revolving loans and grants that are available to help wastewater plants upgrade to recycled water plants.

II. Monitoring Requirements:

The Policy keeps a five-year timeframe in-place for the CEC Science Advisory Panel while the Panel itself recommended reconvening every three years:

- "The Science Advisory Panel recommended reconvening the Panel every three years; however, the Amendment includes a provision to reconvene the Panel every five years" (p. 76).

The Draft Policy removes monitoring requirements in landscape irrigation projects for the state's priority pollutants. Currently, recycled water projects greater than 1 MGD have to monitor for these pollutants on an annual basis. Projects that are less than 1 MGD have to monitor for these pollutants every five years.

In analyzing available monitoring data at existing recycled water projects under the existing monitoring regime, the State Water Board finds the following:

*"The priority pollutants with the highest exceedance frequencies are **NDMA** (emphasis ours) at 6% (8 exceedances of 145 monitoring events), aldrin at 4% (5 exceedances of 121 monitoring events), dieldrin at 4% (8 exceedances of 215 monitoring events) and DDT at 3% (6 exceedances of 174 monitoring events), and 3,3'-dichlorobenzidine at 3% (2 exceedances of 67 monitoring events). These exceedance frequencies are still relatively low, and the exceedance frequencies are based on relatively small numbers of monitoring events. The **NDMA exceedances occurred at a single facility** (emphasis ours), the aldrin exceedances occurred at two facilities, the dieldrin exceedances occurred at two facilities, the DDT exceedances occurred at two facilities, and the 3,3'-dichlorobenzidine exceedances occurred at **one facility**, (emphasis ours) indicating that these are not widespread issues (emphasis ours). More frequent monitoring of a particular priority pollutant indicates that there had been a detection or exceedance of that pollutant in the past for a given facility that demonstrated there was reasonable potential for an exceedance to occur. If there is no reasonable potential for an exceedance based on past monitoring data, then less frequent monitoring is required at a given facility" (p. 61).*

Heal the Ocean takes issues with these conclusions. As we learned in the SCWRRP Expert Panel Hearings, NDMA is an indicator of other pollutants. Monitoring from one single facility, or even two facilities, is not adequate to assure the public that the contamination issue is well covered - even if the recycled water is used for watering park lawns. The monitoring data must be ramped up considerably before the public will accept recycled water for potable use (!).

In Santa Barbara County, we have a community (Montecito, CA) that refuses recycled ("purple pipe") water even on parklands, golf courses, et al. because of fear of contamination. This skimpy monitoring is not going to reassure the community, even though it desperately needs water for its increasingly parched landscaping (not to mention expensive golf courses).

On the other hand, we have a water district (Goleta Water District) that has developed (with SWRCB funding help) an engineering plan for a pilot direct potable reuse project - to "test the water ourselves," because the State Board, in their opinion, is moving too slowly to get recycled water off the ground for any such beneficial use.

The City of Santa Barbara is moving toward a "**One Water**" ideology, in which Cachuma water, State Water, Desal Water and Recycled Water would mix in a reservoir, where all is processed by the water processing plant. To move toward such a "One Water" ideal solution to the severe water shortage, the City of Santa Barbara and County of Santa Barbara and other California counties are facing, the Recycled Water program of the State must move faster - much faster - to catch up. Monitoring must be increased many-fold.

In 2012 we asked the SCCWRP expert panel that a review schedule for CEC guidelines be no less than every three years, and we ask it now.

III. Disparity

We respectfully take issue to this statement in the Draft Amendment:

"Furthermore, some regions of the state (i.e., the North Coast Region) have an abundance of clean, potable water. Not all regions of the state can reasonably meet mandates for the production and use of recycled water because of a lack of demand."

The Draft Policy Amendment should reflect the fact that One Size does Not Fit All. To propose a policy that imposes requirements where none is needed requires reworking. To have a Policy that states "we have a lot of water over here, therefore..." should not even be in print.

IV. Conclusion

Staff has indicated plans to move forward with a recycled water tracking system, which would include monitoring plans for wastewater discharges to coastal water bodies. As indicated earlier in our comments, Heal the Ocean has already done this data collection and is about to release it. We offer it to the Water Board - either directly in a State database, or we will provide a link to you, to have this information. There is no sense in duplicating hours and hours of research work.

We hope you will accept these comments as our wish to have a Recycled Water Policy that is truly meaningful, and which can move the state forward where it needs to go. There is water available; we are all working on it. We are working with you, and we invite you to ask us. Thank you!

With very best regards,

A handwritten signature in black ink that reads "Hillary Hauser". The signature is written in a cursive, slightly slanted style.

Hillary Hauser, Executive Director