



June 26, 2018

Conveyed via email only to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



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

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

Dear Ms. Townsend:

Thank you for the opportunity to comment on the proposed amendment to the Recycled Water Policy. The Napa Sanitation District (NapaSan) is an independent special district serving a population of 82,700 in the City of Napa and surrounding unincorporated areas. NapaSan treats an average of 9 million gallons of wastewater each day, and produces unrestricted “tertiary” quality recycled water for irrigation of landscaping, industrial parks, golf courses, pasture lands, feed and fodder crops, a cemetery, Napa Valley College ball fields and landscaping, a recreational park, Napa State Hospital, and drip irrigation of vineyards. NapaSan has been producing and delivering tertiary quality recycled water for over 20 years.

We understand the State Water Resources Control Board wishes to encourage more water recycling to help alleviate emergency drought conditions. We support this goal. However, there are several elements of the proposed amendment that are unworkable or impractical. Our comments are shown in detail below.

- 1. Reporting of influent, recycled water production, and treated wastewater conveyed to receiving water should only be reported on an annual basis.**

These values are already being reported to the State Water Board on a monthly basis, through the California Integrated Water Quality System (CIWQS) database. It would be duplicative reporting, and a waste of scarce public resources, to require the exact same information to be reported twice to the *same* agency. NapaSan can support annual reporting of this information, but not monthly.

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**2. Reporting of recycled water volume by use in the proposed amendment is not feasible.**

Recycled water is delivered to customers, not uses. And most customers only have one meter that measures recycled water for multiple uses. For example, a winery has a vineyard (agricultural irrigation) and usually also has significant landscaping (landscape irrigation). The customers do not measure where the water goes by use. Collecting data on the types of uses is impractical and not at all feasible. Further, to install many additional meters to quantify recycled water by uses would be very burdensome to both the customers and to NapaSan, both financially and for the additional workload of reporting. Potable water agencies do not report where their potable water goes by use, because it would be incredibly burdensome to do so. Recycled water agencies should not be required to report use data either. In addition, if the State Water Board creates a requirement for additional metering and reporting by use, it will discourage existing and future users from participating in the recycled water program which runs counter to the stated goal of the State Water Board, namely to increase recycled water use.

**3. Reporting requirements in the Recycled Water Policy should only be changed after due public process.**

The proposed amendment indicates that the Executive Director of the State Water Board would be able to “establish mandates as necessary” (markup version, page 3, section 3.2) with respect to changing reporting requirements. Mandates must *never* be promulgated by the Executive Director or any other public official, for reporting requirements or any other element of the Recycled Water Policy or associated directives, without due public process. Due public process is a very basic California tenet and should be upheld, and *endorsed*, by the State Water Board.

**4. Regional general orders should be allowed if Title 22 requirements are met.**

The proposed amendment indicates that all regional orders will terminate one year from the adoption of the Recycled Water Policy amendment, claiming (without substantiation) that regional orders are not consistent with certain other requirements, and most notably Title 22 requirements. This statement is *completely false*. The San Francisco Bay general water reuse requirements (Order No. 96-011) specifically indicates that “Revisions to Title 22 shall become part of this Order automatically upon final adoption of those revisions” (96-011, page 2). Moreover, there have not been problems with the recycled water

programs in the San Francisco Bay region. Requiring the termination of a successful regional order is completely unnecessary and a waste of public resources.

- 5. The proposed amendment should indicate that vineyard irrigation does not represent a significant component of the salt and nutrient balance in a groundwater basin.**

The staff report for the proposed Recycled Water Policy amendment indicates that "the use of recycled water for landscape irrigation does not typically represent a significant component of the salt and nutrient balance in a groundwater basin" (staff report, p. 63). This statement should also be made about vineyard irrigation, which literally takes irrigation at one-tenth the volume of landscape irrigation. Vineyard owners have incentive to minimize water use for increasing the inherent quality (cru), balance, flavor, body, and bouquet of wine. Furthermore, in the NapaSan service area, there is a charge for recycled water per 1,000 gallons of usage. This cost of recycled water is a significant disincentive for using a volume of recycled water that would travel beyond the root zone of plants.

- 6. State agencies must work together to coordinate needs of Salt and Nutrient Management Plans (SNMPs) and Sustainable Groundwater Management Act (SGMA) reports.**

There are many overlapping elements of SNMPs and the reports due under SGMA. The staff report indicates that these two planning efforts must remain separate due to "a lack of statutory authority by Department of Water Resources to evaluate SNMPs for consistency with the Policy and applicable basin plans" (staff report, p. 57). NapaSan requests that language be added to the amendment to place salt and nutrient planning on hold until a satisfactory solution can be worked out either legislatively or through inter-agency coordination to implement a non-duplicative work effort for SNMPs and SGMA. The burden of duplicative efforts should not be placed on local agencies for the discrepancies and redundancy in these programs. The State Water Board must coordinate with the Department of Water Resources to streamline these requirements, not make them more complicated with a wholly separate SNMP program that substantially overlaps with SGMA.

**7. A Change Petition Should Not Be Required for Wastewater Discharges to Tidal Waterbodies.**

When NapaSan is not recycling, discharge of treated wastewater is conveyed to a tidal portion of the Napa River approximately ten miles downstream from the point at which fresh water meets tidal water. As a result, the water in the Napa River in the vicinity of, or upstream or downstream from, the discharge is not suitable for potable or agricultural uses. In addition, the amount of water diverted for recycled water use is negligible in an aquatic life or biological context due to the overwhelming hydrodynamics of the tides in this significant estuary.

Not surprisingly, the points of diversion for water rights holders along the Napa River occur many miles upstream of the Soscol Water Recycling Facility, according to the eWRIMS database. The fact that all points of diversion are miles upstream from the discharge point is evidence that the location of NapaSan's discharge is impacted by salt water so often and to such extent that no one even tries to divert water for beneficial use in the area.

As a result, Water Code 1211 should not apply, and a "Petition for Change" form should not be required for water recycling projects implemented by NapaSan with water produced at the NapaSan's Soscol Water Recycling Facility. The change petition process is overly burdensome and costly in this circumstance, with no apparent benefit.

In order to maximize the encouragement of recycled water use in a way that also protects human health and the environment, NapaSan specifically requests that discharges to tidal waterbodies diverted for use as recycled water under this permit not be subject to Water Code Section 1211. It is our understanding that the State Water Resources Control Board has the discretion to make this decision.

**8. It is inappropriate to call treated wastewater discharged to receiving waters "disposal."**

If the State Water Board is going to require wastewater change petitions for removing treated wastewater from receiving waters because there is a potential benefit to aquatic life with the water, then that water should not be called "disposal." In addition, the term "disposal" is brand new in this context and suggests that the water is being "dumped." Our municipal agency takes great pride in treating its wastewater to very high standards in the service of our public citizens for the protection of aquatic life and human health, and we object

to the negative connotation of the word, for a resource that provides benefits. We hereby request that the term "discharge" or "release" be used instead.

**9. Priority pollutant monitoring should be removed from Order WQ 2016-0068 DDW.**

We support the State Water Board's removal of priority pollutant monitoring requirements in the proposed Recycled Water Policy amendment. Prior to any deadline for permittees to enroll in WQ 2016-0068 DDW, the priority pollutant monitoring requirements should be removed, for consistency with the Recycled Water Policy.

We appreciate the opportunity to comment on the proposed Recycled Water Policy amendment. Please let me know if you have any questions or would like to discuss anything. Thank you very much.

Sincerely,



Timothy B. Healy, PE  
General Manager