

**ASSOCIATION OF CALIFORNIA WATER AGENCIES
CALIFORNIA ASSOCIATION OF SANITATION AGENCIES
WATEREUSE ASSOCIATION**

December 22, 2008

Tam M. Doduc, Chair and Members
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

SUBJECT: PROPOSED RECYCLED WATER POLICY

Dear Chair Doduc and Members of the Board:

The Association of California Water Agencies (ACWA), the California Association of Sanitation Agencies (CASA) and the WaterReuse Association (together “the Associations”) are pleased to support adoption of the proposed Recycled Water Policy. As you know, the Associations endorsed the draft policy prepared by a group of stakeholders representing water, wastewater and nongovernmental organizations (NGOs), and we are pleased that the State Water Resources Control Board’s proposed policy retains the basic structure and essential content of the stakeholder draft. We also greatly appreciate the Board’s willingness to allow the stakeholder group an opportunity to meet and work toward the consensus proposal.

The Associations are encouraged by the Board’s recognition that recycled water is a key component of California’s present and future water supply, and that Board policies and programs should facilitate, rather than impede, the safe and beneficial use of recycled water for irrigation and groundwater recharge, among other uses. The proposed policy retains the central themes of the stakeholder draft, including the need to streamline and simplify permitting in order to increase recycled water use throughout the State. The policy also recognizes the importance of basin wide planning to maintain sustainable groundwater supplies and calls for development of stakeholder led salt/nutrient management plans without unfairly burdening recycling programs in the interim.

As expected, the proposed draft includes new and revised language that differs from the version endorsed by the Associations in early September. Many of these changes are acceptable to us as proposed; there are several areas, however, where we believe the new language presents ambiguities or unintended implementation problems that should be addressed prior to adoption. Our suggested revisions, all of which we would characterize as clarifying rather than significant substantive changes, are presented in Attachment 1. Given the level of interest in the provisions of the policy addressing incidental runoff, however, we believe it is important to outline our comments on this new section here briefly.

For the most part, the Associations do not object to the general approach to incidental runoff proposed in the policy. In particular, we agree that multiple permit mechanisms, including waste discharge requirements and municipal separate storm sewer system (MS4) permits, may be employed as appropriate to address minor amounts of recycled water runoff that may occur as a result of normal irrigation operations. (We note, for the record, that there may be projects where no permit for incidental runoff will be needed.) However, we are concerned that the new language regarding incidental runoff is overly detailed and prescriptive for a Policy, and that conditions regarding practices that are appropriate for a particular site should be left to the permitting process.

Because of the prominence given to this issue in the proposed policy, we also believe it is important to State in the Policy that incidental amounts of runoff of highly treated recycled water do not pose a significant threat to water quality.

To address this concern, we propose that the language be revised as follows:

7. a. Control of incidental runoff. Incidental runoff is defined as unintended small amounts (volume) of runoff from recycled water use areas, such as unintended, minimal over-spray from sprinklers that escapes the recycled water use area. Water leaving a recycled water use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence. Incidental runoff of highly treated recycled water that meets Title 22 requirements does not present a significant threat to water quality. Incidental runoff may be regulated by waste discharge requirements or, where necessary, waste discharge requirements that serve as a National Pollutant Discharge Elimination System (NPDES) permit, including municipal separate storm water system permits, but regardless of the regulatory instrument, ~~the project shall include, but is not limited to, the following practices:~~ water recyclers shall develop and implement an operations and management plan that provides for compliance with the site control requirements of Title 22. Such plans shall include provisions to address leak detection, proper design and aim of sprinkler heads, proper practices during precipitation events, and management of storage ponds.

Deleted:

- ~~(1) Implementation of operations and management plan that provides for detection of leaks, (for example, from broken sprinkler heads), and correction either within 72 hours of learning of the runoff, or prior to the release of 1,000 gallons;~~
- ~~(2) Proper design and aim of sprinkler heads;~~
- ~~(3) Refraining from application during precipitation events~~
- ~~(4) Management of any ponds such that no discharge occurs unless the discharge is a result of a 25-year, 24-hour storm event or greater, and there is prior approval for the discharge by the appropriate Executive Officer.~~

ACWA, CASA and WaterReuse urge the Board to move forward with adoption of the Recycled Water Policy, with our recommended revisions, in January 2009. The

Associations look forward to an ongoing partnership with the State and Regional Boards, the Department of Public Health, the Department of Water Resources, and our NGO colleagues to achieve the ambitious goals and mandates set forth in the proposed policy.

Sincerely,

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