

Draft Model Letter

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:

[Name of Agency] appreciates the opportunity to provide comments on the proposed Recycled Water Policy. Increased use of recycled water is critical to California's water supply future, and the policy should facilitate the beneficial use of recycled water for irrigation and groundwater recharge, among other uses. We are aware that the Association of California Water Agencies, the California Association of Sanitation Agencies and the WaterReuse Association (the Associations) have submitted comments on the proposed Policy, and we endorse the language changes the associations have recommended.

We support the overall structure and approach of the November 2008 proposed Policy and believe it is a significant improvement over the previous drafts. . The proposed Policy also tracks the September 2, 2008 draft prepared by a group of water industry and nongovernmental organization stakeholders. However, we urge the State Water Board to consider additional revisions to the proposed Policy in order to provide greater clarity, increase the practicality of implementation, and conserve the limited resources of water recyclers, their customers, and the Water Boards.

Salt and Nutrient Management Plans:

One of our major concerns with the earlier State Water Board draft of the Policy was the requirement that individual water recycling projects be tasked with completion of salt plans. We are pleased that the November 2008 version recognizes that salt and nutrient issues within groundwater basins cannot be resolved by focusing on recycled water use, and that the proper approach to addressing these issues is through locally controlled and driven plans, developed by broad groups of stakeholders, including the Regional Water Boards.

We are concerned, however, that the Policy does not limit the salt and nutrient planning requirement to those basins where beneficial uses are impaired or threatened, or where high quality waters are in need of protection. While the Policy recognizes that the plans may vary in complexity, the plans are still required for all basins. Since the development and implementation of the plans is critical in some areas, but not everywhere, it is important for the Policy to clearly prioritize where plans should be

developed, so that limited public resources can be devoted to areas of real concern. We also do not believe that groundwater monitoring for salts and nutrients is necessary, or even feasible, in every basin and sub-basin in this large and diverse state. Finally, the organization and structure of this section should be improved to provide a more useful outline of how to proceed with these plans. We have attached recommended language changes to address these concerns, all of which are consistent with the goals and intent of accomplishing salt and nutrient management planning in important groundwater basins.

Specification of Monitoring Frequencies

Another concern raised during the debate over the previous draft of the Policy was a concern that many of the proposed provisions were far too specific and “permit like” for Board policy. For the most part, the current draft avoids this flaw and strikes the appropriate note of broad goals and guidance. One exception is in the area of monitoring requirements. In several places, the draft Policy would mandate a particular minimum monitoring frequency, without regard to the circumstances of the project or the recommendations of the expert scientific panel to be established. We do not believe this is appropriate, and recommend that the monitoring frequencies be deleted from the sections dealing with landscape irrigation (Section 7(b)(4)) and groundwater recharge (Section 8(b)(2).) With regard to chemicals of emerging concern (CECs), both sections should state that monitoring for these constituents may be required in accordance with the expert panel recommendations.

Incidental Runoff

Incidental runoff, by definition, consists of small amounts of unintentional runoff from irrigation projects. This is no different from the runoff that occurs in any irrigation project, regardless of the source of water used. We agree with the associations that the Policy should state that incidental runoff does not pose a threat to water quality. In addition, we share the concern 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.

To address this concern, we propose that the language be revised to delete the specific requirements set forth in Section 7(a)(1) through (4) and replaced with a simple statement that water recyclers shall develop and implement an operations and management plan that provides for compliance with the site control requirements of Title 22.

[Add additional specific points here]

Thank you for the opportunity to provide our comments on the proposed Policy.

Sincerely,

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