



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON HYDE
Chief Engineer and General Manager



December 22, 2017

Via Email

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

Comment Letter – Proposed Recycled Water Policy Amendment Early Public Consultation

The Sanitation Districts of Los Angeles County (Sanitation Districts) serve the wastewater collection and treatment needs of approximately 5.6 million residents in the Los Angeles Basin, Santa Clarita Valley, and Antelope Valley. The Sanitation Districts have a long history of water recycling, encompassing over fifty years. Currently, nearly 870 individual sites served by approximately three dozen water purveyors use over 100,000 acre-feet per year of tertiary treated recycled water for non-potable applications such as urban landscape irrigation, agriculture, industrial process water, and potable uses, such as groundwater replenishment. The Sanitation Districts operate one of the largest water recycling programs in the nation.

The Sanitation Districts support the State Water Resources Control Board's (State Water Board's) efforts to amend the Recycled Water Policy to update and clarify its provisions, in so far as those changes will enhance, rather than unnecessarily impede, future recycled water project development and currently implemented projects.

The Sanitation Districts have reviewed the Information Document for the early public consultation meeting on the proposed amendment to the Recycled Water Policy, as well as the presentation made at the early public consultation meeting on December 1, 2017. Our comments on the Information Document and the December 1, 2017, presentation are provided below. In the comments, the topic numbers referenced are those in the Information Document Project Description section.

Topic 1: Update monitoring requirements for CECs

The Sanitation Districts strongly support the use of a Science Advisory Panel to review monitoring requirements for CECs. Use of a Science Advisory Panel will provide consistent, science-based recycled water monitoring for CECs across the state.

Topic 2: Goals and mandates

The Sanitation Districts support both proposals contained in this topic. The removal of storm water and conservation goals from this policy clarifies the purpose of the water recycling policy by eliminating issues that are only broadly associated with recycled water. Also, the elimination of state-wide mandates for recycled water use is very sensible, since many recycled water producers, such as the Sanitation Districts, do not provide direct water service, and many water purveyors do not produce their own independent source of recycled water. Setting mandates on either the producers or the purveyors individually are, indeed, unworkable and unenforceable. The Sanitation Districts have had significant success with the use of recycled water in its service area by establishing partnerships with both wholesale and retail water purveyors to develop recycled water distribution systems, as noted above.

Topic 3: Tracking use of recycled water

The Sanitation Districts support the State Water Board's efforts to develop more usable and accessible data regarding recycled water usage. To comply with its recycled water permit requirements, the Sanitation Districts have always provided information on recycled water usage, both to individual sites and through discrete distribution systems. Developing a process to compile information on recycled water usage statewide will greatly enhance the ability of the State Water Board to understand and communicate the status of recycled water usage across the state. However, the Sanitation Districts do not believe that these efforts should include collection of information on recycled water production and potential production. Information on potential production would be highly speculative, since it would need to rely on assumptions about population growth and changes to indoor water usage. Collection of information on recycled water production would also be speculative, because it would necessitate determining whether wastewater treatment plant effluent is recycled water or not. In some cases, effluent may not currently be recyclable but could potentially be recyclable if additional treatment is added. Compiling this information may also lead to inaccurate projections of the potential for recycled water expansion in the state, as many factors come into play, such as minimum instream flow requirements, in determining future uses for water that is not recycled.

Topic 4: Add clarifying language regarding the process to comply with Water Code Section 1211

It is inappropriate for the State Water Board to propose amending the Recycled Water Policy to include language regarding the consideration of cumulative impacts as part of the California Water Code (CWC) Section 1211 process. CWC Section 1211 explicitly states what must be considered as part of that process, and cumulative impacts are not included in the statute. Furthermore, CEQA statutes and regulations give the State Water Board the ability to analyze cumulative impacts, if necessary, and that ability should remain there, not in the Recycled Water Policy.

Topic 5: Salt and nutrient management plan development: Prioritize basins and periodic updates

The Information Document indicates that the Recycled Water Policy revisions may include recommendations regarding the frequency at which salt and nutrient management plans (SNMPs) need to be updated. However, the State Water Board should be aware that the SNMP development process takes several years and involves considerable effort and financial resources. It is anticipated that any updates to SNMPs would also involve considerable effort and financial resources. Additionally, groundwater quality is slow to change over time. Therefore, any required updates should only be triggered by a significant change from the basin's current conditions, and should not be more frequent than five or even ten year intervals.

In addition, the updated Recycled Water Policy should emphasize that SNMP guidelines are recommendations and not requirements, since this has caused confusion and misinterpretation in the past. Some Regional Boards have interpreted guidelines as requirements, which was not the intent of the Recycled Water Policy.

Furthermore, Resolution 2016-0061 directed State Water Board staff, during development of amendments to the Recycled Water Policy, to consider “The nexus between the provisions of the Recycled Water Policy, Sustainable Groundwater Management Act requirements, groundwater recharge regulations, and surface water augmentation regulations.” As part of this consideration, State Water Board staff needs to explore the potential role of the Groundwater Sustainability Agencies (GSAs) in SNMP development, and whether the GSAs should take the lead in their development for basins still in need of SNMPS. The deadline for high- and medium-priority basins to develop GSAs was June 30, 2017. While the GSAs are primarily tasked with ensuring the sustainability of groundwater quantity, consideration of groundwater quality and quantity are interrelated. At a minimum, GSAs should participate in SNMP development. Water agencies should also be directed to participate in SNMP development, so that the burden of plan development and updates does not fall solely on recycled water providers, since recycled water usage may have minimal overall impact on groundwater quality.

Topic 9: Establish a process for Regional Boards to review recycled water permits and orders

The Sanitation Districts support the move from individual water reclamation requirements issued by local Regional Boards to the state-wide water recycling General Order. However, the State Board should take extreme care in setting deadlines or schedules for these conversions. The Sanitation Districts are currently working with the Los Angeles Regional Board in converting old reuse permits to the new General Order; however, compiling and submitting the necessary information to the Regional Board to meet the submittal requirements is an involved and demanding process in terms of effort and time. In addition, Regional Board review and approval also requires a significant investment of their limited staff resources. A State Water Board time schedule may not fully take these conditions into consideration and may produce timelines for permit conversion that are simply unmeetable by one or both parties.

When initiating the conversion from local Regional Board reuse permits to the state-wide General Order, the State Water Board should also take into serious consideration the impact that the new requirements would have on the existing water recycling projects, a significant number of which have been in operation for decades. Provisions in the permits issued under the General Order may require operational and/or systemic changes to these legacy projects, which, in turn, would require considerable staff time and other resources to implement.

Other Comments

The Sanitation Districts believe that there is a definite need for clarity on the roles of the State Water Board, the Division of Drinking Water (DDW), and the Regional Boards in reviewing Engineering Reports and applications, and issuing permits. The lack of such clarity, particularly after transition of the public health aspects of recycled water regulation to DDW, has caused confusion and delays in recycled water permitting. Additionally, it would be helpful to have clarification for projects that cross Regional Board jurisdictions, or alternatively it could be clarified that permits issued under the General Order are jurisdiction-less (e.g., considering recycled water for hauled uses, fire suppression and other emergencies).

Ms. Jeannine Townsend

-4-

December 22, 2017

The Sanitation Districts thank you for the opportunity to comment on the Information Document and the December 2, 2017 presentation, and look forward to providing additional input as the revisions to the Recycled Water Policy move forward. If you have any questions, please direct them to me at (562) 908-4288, extension 2836 or by email at erikabensch@lacsdsd.org.

Very truly yours,



Erika Bensch
Supervising Engineer
Reuse and Compliance Section

EXB:ECH:ep