

From: "Steve Bilson" <stevebilson@rewater.com>
To: "Mike McCann" <MMcCann@waterboards.ca.gov>
Date: 7/14/2007 12:06:24 PM
Subject: RE: FW: Greywater waiver

Thank you for your reply.

I am very familiar with the existing scenario where San Diego County DEH assumed and still assumes its pre-Water Code section 14875 et seq and Appendix G of the California Plumbing Code RWQCB waiver for sewage systems applied/applies to greywater irrigation systems, but that 1994 and 1997 state greywater law changed things by giving all greywater irrigation authority to the cities and counties. During the RWQCB's latest waiver consideration, I'd written the RWQCB extensively about how the RWQCB's existing waiver scenario duplicates, conflicts with, and/or contradicts the state greywater law (Water Code 14875 et seq).

During this latest waiver consideration, which I understand you are saying is still open until August 8, 2007, a new greywater waiver scenario was being proposed by the RWQCB, where greywater would be considered greywater and not just another form of sewage, as Water Code section 14875 et seq clearly explains, but where the RWQCB still assumed a role in regulating greywater irrigation, and that role was delegated to the San Diego County DEH. In my same writings during the RWQCB's latest waiver consideration, I'd written the RWQCB extensively about how this proposed new waiver scenario duplicates, conflicts with, and/or contradicts the state greywater law (Water Code 14875 et seq).

My position has not changed at all regarding the existing greywater waiver scenario or the proposed new greywater waiver scenario, and in fact I've sued the County over their (claim of) adherence to the existing scenario. For 8 years, they permitted greywater systems like greywater systems, but in 2005 when they got a new boss who knew nothing about greywater or the law or code, he changed their permitting protocol to that of their sewage protocol, essentially banning greywater systems because nobody is going to pay \$10,000 to exercise the right to reuse their greywater. The state greywater code was written almost exclusively to ban that type of uneducated nonsense.

With the foregoing in mind now, my questions remain. I have added minor clarification to my original two questions in capital letters:

Is the RWQCB's lack of A NEW greywater waiver due to the fact that the 1994 state greywater law, Water Code Section 14875 et seq, AND APPENDIX G OF THE CALIFORNIA PLUMBING CODE gives all greywater permitting authority to the cities and counties because the state law fully occupies the law on the matter, as I'd adamantly pointed out to the RWQCB IN MY PREVIOUS SUBMITTALS DURING THIS WAIVER CONSIDERATION PERIOD?

Or, is that omission an indication that the RWQCB considers greywater something other than what state law considers it, such as sewage, or reclaimed water, and thus the RWQCB is placing a greywater system into one of those waiver categories IN CONFLICT WITH STATE LAW?

I submitted my original writings dated April 4, 2007, on this matter via fax and US mail. They were addressed to John Robertus. They should be

in the record.

Thank you for, and I await, the RWQCB's formal response on this matter.

Steve Bilson

-----Original Message-----

From: Mike McCann [mailto:MMcCann@waterboards.ca.gov]

Sent: Friday, July 13, 2007 4:12 PM

To: stevebilson@rewater.com

Cc: Wayne Chiu

Subject: Re: FW: Greywater waiver

Mr. Bilson,

This is let you know that I have read your email sent on July 9, 2007. I waited until I could talk to Wayne Chiu of our staff regarding your comments about graywater discharges and the current waiver process. The first thing that came to mind reading your email was that you might have written your email before seeing on our website the proposed waiver conditions for graywater discharges. I recommend that you review this information that has been available as of July 6, 2007.

I have asked Wayne to receive your email as submitted comments in the waiver process. The comment period of the process remains open to at least through August 8 at the close of the public hearing. Responses to comments will be developed and distributed following the close of the comment period.

If you have questions, feel free to contact Wayne Chiu at (858)637-5558.

Michael McCann (858)467-2988

>>> "Steve Bilson" <stevebilson@rewater.com> 7/9/2007 3:25 PM >>>
Mr. McCann -

The following is the email I sent to Art, who, as you know, no longer works there. Wow, I thought he was a permanent fixture. Times are a changing I suppose. Anyway, can you please answer these questions in his absence?

Steve Bilson

-----Original Message-----

From: Steve Bilson [mailto:stevebilson@rewater.com]

Sent: Monday, July 09, 2007 12:00 PM

To: 'Art Coe'

Subject: Greywater waiver

Art -

I received the new list of waivers from Wayne Chiu and noticed that greywater irrigation systems are not listed. There was obviously a lot of information about greywater and the state greywater irrigation law offered during the waiver hearings, and that omission raises questions.

Is the RWQCB's lack of greywater waiver due to the fact that the state greywater law, Water Code Section 14875 et seq, gives all greywater permitting authority to the cities and counties because the state law fully occupies the law on the matter, as I'd adamantly pointed out to the RWQCB?

Or, is that omission an indication that the RWQCB considers greywater something other than what state law considers it, such as sewage, or reclaimed water, and thus the RWQCB in placing a greywater system into one of those waiver categories?

Steve Bilson

CC: "Wayne Chiu" <wchiu@waterboards.ca.gov>