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Arnold Schwarzenegger
Governor

QUA

TO: Regional Water Board Executive Officers

FROM: 
Dorothy Rice, Executive Director
EXECUTIVE OFFICE

DATE: AUG 28 2009 Sent via email

SUBJECT: ROLE OF REGIONAL WATER BOARDS IN IMPLEMENTATION OF
RECYCLED WATER POLICY

The purpose of this memorandum is to inform the Regional Water Boards of your role in implementing the [Recycled Water Policy](#) (State Water Board [Resolution No. 2009-0011](#)) (Policy), which was adopted on February 3, 2009 and became effective on May 14, 2009. As you know, recycled water can play an important role in decreasing our state's vulnerability to drought and in reducing our contribution to greenhouse gases. Therefore, the goal of the Policy is to increase the use of recycled water while protecting water quality. The specific actions for Regional Water Board implementation are described below and in Attachment A.

Initiate and Participate in Stakeholder Process for Development of Salt/Nutrient Management Plans

The Policy states that the State Water Board recognizes, pursuant to the letter from various stakeholder groups dated December 19, 2008 and attached to the Resolution adopting this Policy, that local water and wastewater entities, together with salt/nutrient contributing stakeholders, will fund locally driven and controlled collaborative processes open to all stakeholders to prepare salt/nutrient management plans (plans) for each groundwater basin/sub-basin in California. The plans development processes must include compliance with the California Environmental Quality Act (CEQA) and participation by Regional Water Boards' staff.

The Policy requires stakeholders to submit these plans to the appropriate Regional Water Board within five years from the effective date of the Policy. Hence, they are due by May 14, 2014, although the Policy allows the Regional Water Boards to provide a two-year extension (until May 14, 2016) if the stakeholders demonstrate substantial progress toward completion of a plan. The Policy requires Regional Water Boards to review the plans and consider each for adoption as a basin plan amendment within one year of submittal. In an effort to facilitate statewide consistency in basin plan amendments with regards to salt/nutrient management plans, State Water Board staff will prepare an outline of appropriate basin plan amendment content. The intent of the outline is to inform the Regional Water Boards and stakeholders of the minimum elements necessary for a basin plan amendment and, therefore, the minimum

content expected for a salt/nutrient management plan. The State Water Board will provide the outline to the Regional Water Boards by November 2009.

The Policy requires the development of salt/nutrient management plans for all groundwater basins in California regardless of whether recycled water is currently being used within the basin. However, the requirement does not apply to a groundwater basin/sub-basin where a plan has already been approved by the Regional Water Board. Descriptions and maps of California's groundwater basins/sub-basins can be found in Department of Water Resources (DWR) Bulletin 118, http://www.water.ca.gov/groundwater/bulletin118/gwbasin_maps_descriptions.cfm.

Division of Water Quality (DWQ) staff discussed salt/nutrient management plans with the Assistant Executive Officers (AEOs) at their meeting on July 9, 2009. At the meeting, DWQ staff recommended that, because this is a statewide effort that impacts multiple Water Board programs, it should be the AEOs who take the lead with these plans. Although the Policy requires stakeholders to develop the plans, I expect that the Regional Water Boards will take a leadership role to ensure the stakeholders complete the process in a timely manner, similarly as was developed with the Central Valley Regional Water Board's collaborative basin planning effort of Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS). Therefore, to initiate this process, I am requesting that each Regional Water Board's Executive Officer send stakeholders a letter that notifies them of the Policy requirements and invites them to a Regional Water Board workshop. If you would like, staff from the State Water Board would be happy to attend, time permitting. A sample invitation letter is attached (Attachment B). The purpose of the workshop would be to inform the stakeholders of the planning requirement and to get commitments from the stakeholders to develop the plans.

Each plan's complexity will be dependent on a variety of site-specific factors including, but not limited to, size and complexity of the basin, source water quality, storm water recharge, hydrogeology, and aquifer water quality. I recognize that this is a large task and that plan development may have to be prioritized. Therefore, I recommend that priority be given to those basins identified as priority basins by the Groundwater Ambient Monitoring Assessment (GAMA) program,

http://www.waterboards.ca.gov/water_issues/programs/gama/priority_basin_projects.shtml.

GAMA Priority Basins consist of 116 of the 472 DWR defined groundwater basins in the state. GAMA Priority Basins are defined as groundwater basins that account for:

- 95 percent of all public supply wells
- 99 percent of all municipal groundwater pumping
- 90 percent of agricultural groundwater withdrawals
- 90 percent of all leaking underground storage tank sites
- 90 percent of all pesticide application in the state
- 60 percent of the land area in California

The total number of GAMA Priority Basins/sub-basins in each region is presented below; the number does not reflect basins/sub-basins with approved salt/nutrient management plans.

Region	Number of Priority Basins/Sub-Basins
Region 1	6*
Region 2	12
Region 3	14
Region 4	11
Region 5 (Redding)	11*
Region 5 (Sacramento)	18*
Region 5 (Fresno)	8*
Region 6 (Lake Tahoe)	6*
Region 6 (Victorville)	8*
Region 7	7*
Region 8	10
Region 9	5

* = Includes areas designated outside of mapped groundwater basins and may cross region boundaries. Therefore, priority basin may be designated to one or more regions.

The GAMA Priority Basins, and corresponding basin numbers, in each region are listed in Attachment C.

Track and Report Development of Salt/Nutrient Management Plans

In order to ensure that the plans are being developed in a timely manner, State Water Board staff plan to track the development of the plans. Therefore, I request that the Regional Water Boards report, on a semi-annual basis, the status of salt/nutrient management plan development. To make this reporting streamlined and consistent, the State Water Board is modifying the GeoTracker database to track a uniform set of milestones for each plan developed. We expect the database modifications to be complete by November 2009. The milestones and proposed target dates for their completion are presented in Attachment D and are intended to establish a schedule that ensures the stakeholders meet the five year deadline.

Input Groundwater Data into GeoTracker

The Policy discusses basin/sub-basin groundwater monitoring in two sections. Section 6.b.(3)(a) discusses monitoring plans for implementation of salt/nutrient management plans. Section 7.b.(4) states that project-specific groundwater monitoring for projects eligible for permit streamlining is not required, provided the project proponent participates in the development of a salt/nutrient management plan, including basin/sub-basin groundwater monitoring. We request that any ambient groundwater monitoring data collected through this process be uploaded into the GeoTracker database. State Water Board staff will work with Regional Water Board staff and stakeholders to help them upload the data and in turn make GeoTracker data available to them.

Incorporate Incidental Runoff Provisions

Section 7(a) of the Policy contains provisions regarding incidental runoff of recycled water. This section contains four requirements for controlling and providing notification for incidental runoff of recycled water. Although the Policy does not require immediate revision of existing water reclamation or waste discharge requirements to include the incidental runoff provisions, any new or revised water reclamation requirements or waste discharge requirements for recycled water must be consistent with the incidental runoff requirements.

The Policy specifically exempts landscape irrigation projects from the requirement to obtain an NPDES permit for incidental runoff, if the incidental runoff provisions of the Policy are incorporated in a storm water permit such as the MS4 permit for the area.

Furthermore, given the need to conserve water as set out by the Governor's 20x2020 water conservation initiative, we urge you to consider applying these incidental runoff provisions to both recycled water and potable water supplies whenever you update Municipal Separate Storm Sewer System (MS4) permits.

Streamline Permitting of Eligible Recycled Water Irrigation Projects

The Policy has a section on streamlined permitting of recycled water landscape irrigation projects. Projects eligible for streamlined permitting include those that:

- Do not have unusual circumstances, such as unique, site-specific conditions, including high transmissivity soils over a shallow (5 feet or less) high quality groundwater aquifer. (If the Regional Water Board determines that unusual circumstances apply, it must make a finding of unusual circumstances based on substantial evidence in the record, after public notice and hearing.)
- Comply with the CCR Title 22 Water Recycling Criteria and any recommendations by the California Department of Public Health (CDPH) pursuant to Water Code section 13523.
- Apply recycled water in agronomic amounts. See Section 7.c.(2) for the details on how this requirement is to be implemented.
- Comply with any applicable salt/nutrient management plan adopted by the Regional Water Board.
- Use fertilizers appropriately and take into account the nutrient levels in recycled water. (Recycled water producers must monitor and communicate to users the nutrient levels in the recycled water.)

Projects meeting the criteria and eligible for enrollment under requirements of a general order must be enrolled by the State or Regional Water Board within 60 days from the date of which an application is deemed to be complete by the State or Regional Water Board.

For projects that are not enrolled in a general order, the Regional Water Board must consider adoption within 120 days from the date on which the Regional Water Board deems the application complete.

The Policy has monitoring provisions for projects eligible for streamlined permitting, including:

- No project-specific receiving water or groundwater monitoring, unless this monitoring is required by an adopted salt/nutrient management plan.
- While the salt/nutrient management plans are being developed, a project proponent may either perform project specific monitoring or actively participate in the development of a salt/nutrient management plan, including basin/sub-basin monitoring.
- Recycled water monitoring for priority pollutants twice a year.*
- Recycled water monitoring for constituents of emerging concern (CECs) once a year. Mandatory monitoring requirements for CECs will take effect no sooner than November 14, 2010, unless otherwise requested by CDPH. CEC monitoring requirements are to be based on the recommendations of the CEC Advisory Panel.*

Implement Groundwater Recharge Reuse Provisions

Section 8 of the Policy contains provisions for Groundwater Recharge Reuse Projects including monitoring for priority pollutants and CECs. These provisions must be followed when issuing waste discharge requirements for groundwater recharge reuse.

Implement Anti-degradation Provisions

Section 9 of the Policy contains provisions for implementing the State Water Board's Anti-degradation Policy, Resolution No. 68-16. The provisions apply to groundwater recharge reuse and the use of recycled water for landscape irrigation, and are to be used when issuing water reclamation or waste discharge requirements for these uses. The Policy presents alternatives for demonstrating compliance with the Anti-degradation Policy.

Water Recycling Mandates, Stormwater Reuse, and Total Maximum Daily Loads

The Policy establishes mandates to increase the use of recycled water by 200,000 acre-feet per year (afy) by 2020 and by an additional 300,000 afy by 2030. These mandates are to be achieved through the cooperation and collaboration of the State Water Board, Regional Water

* The monitoring may be conducted by either the producer or the distributor of the recycled water.

Boards, the environmental community, water purveyors, and the operators of publicly owned treatment works. Furthermore, development of permits with provisions that encourage the production and use of recycled water from municipal wastewater sources will be an essential component toward meeting these mandates.

The Policy states that the State and Regional Water Boards will exercise authority granted to them by the Legislature to the fullest extent possible to encourage the use of recycled water, consistent with state and federal water quality laws. Hence, each Regional Water Board should, within its authority, take actions to encourage the use of recycled water.

One method of encouragement required by the Policy is that waste load allocations for Total Maximum Daily Loads must be assigned as appropriate by the Regional Water Boards in a manner that provides an incentive for greater water recycling.

The Policy also established a goal of increasing the use of stormwater. To achieve this goal, the State Water Board encourages Regional Water Boards to require less stringent monitoring and regulatory requirements for stormwater treatment and use projects than for projects involving untreated storm water discharges.

I recognize that these are substantial tasks and appreciate in advance your efforts to increase the use of recycled water. In order to provide statewide coordination among the Water Boards for the salt/nutrient management plan effort, please send the name of the staff person who will manage this effort for your region to Ken Harris, Manager, Regulatory Section, (916) [341-5500](tel:341-5500) (kharris@waterboards.ca.gov) by September 15, 2009. If you have any questions regarding this matter, please contact me at (916) 341-5615 (drice@waterboards.ca.gov) or Darrin Polhemus, Deputy Director, Division of Water Quality, at (916) 341-5458 (dpolhemus@waterboards.ca.gov).

Attachments (4)

cc: Regional Water Board Assistant Executive Officers
Jonathan Bishop, Exec
Tom Howard, Exec
Barbara Evoy, DFA
Darrin Polhemus, DWQ