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May 27, 2014

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



Dear Ms. Townsend:

Subject: Comment Letter – General Order WDRs for Recycled Water Use

The Los Angeles Department of Water and Power appreciates the opportunity to provide comments and is encouraged by the development of this proposed General Order Waste Discharge Requirements (WDR) for Recycled Water Use by the State Water Resources Control Board (State Board) staff. LADWP commends the State Board staff for drafting a permit that will enable a streamlined permitting process for non-potable uses of recycled water.

Recycled water is a critical element of LADWP's local water supply, and as such, has increased its goal of recycled water use to 59,000 Acre-Feet per year (AFY) by 2035. LADWP has always recognized the value of water reuse and has been promoting and investing in the recycled water infrastructure to expand distribution and the number of users for years. LADWP and the City of Los Angeles Bureau of Sanitation (LASAN) completed its Recycled Master Plan in 2012 through active stakeholder involvement which included reaching out and presenting the value of recycled water to community groups and neighborhood councils through public forums and elected official briefings. Due to climate change and the current drought, the use of recycled water is even more critical and of utmost importance in providing a sustainable water supply.

LADWP believes that recycled water is a valuable resource and not a "waste" and should be recognized as such. For the purpose of this proposed WDR, recycled water is being used not wasted, it is a resource. The State Legislature itself refers to this product as a "valuable resource" (ref. Water Code section 13050 (n)). Therefore, now is the time to move away from the term "waste" when referring to recycled water in reuse permits and/or "orders". References to recycled water in the proposed WDR should be reworded to promote and support its status as a valuable resource rather than a waste.

LADWP believes this proposed WDR will encourage recycled water usage by providing a more efficient and simplified permitting process. However, there are issues within the draft WDR that need to be further clarified and/or modified in order to help promote and allow for a more streamlined approach for recycled water use.

Los Angeles Aqueduct Centennial Celebrating 100 Years of Water 1913-2013

LADWP has the following general and specific comments on the proposed general WDR.

1) Engineering Reports and Pre-Approved Uses Listed In Title 22

LADWP believes that all uses listed in the California Code of Regulations (CCR) Title 22 should be included in the proposed WDR and allowed without delay or approval of an Engineering Report. The notification for the use would be sent by the permittee to the appropriate Regional Board and CDPH, and the Engineering Report would be submitted following the notification, this would allow for an efficient approach to the expansion of recycled water uses. Since all of the listed Title 22 recycled water uses in the CCR have been approved, the Engineering Report would only detail how the user applies the recycled water without having to seek approval from the CDPH and Regional Board.

LADWP believes that this approach would streamline the process and encourage use.

2) Notice of Intent (NOI) – Application Requirements (Finding 24 –c.ii – page 8 and Section B Item 1.c – page 15)

Many recycled water projects are already in existence and may choose to transition to this new general permit. This draft WDR requires, as part of the NOI process, an Engineering Report to be submitted for approval prior to the permit issuance. LADWP believes that this causes unnecessary delays since the Engineering Reports for existing projects have already been approved by the California Department of Public Health (CDPH).

LADWP requests that language be inserted into the NOI application and the general permit that allows for existing recycled water projects with approved Engineering Reports only be required to submit a copy of the existing Engineering Report. This will allow for the immediate use of the recycled water without further delay.

LADWP suggests the following language be inserted:

“Existing recycled water projects with approved Engineering Reports (Report(s)) will be allowed to submit the existing Report(s) without delay of issuance of the Notice of Applicability (NOA) for the use of recycled water.”

3) Applicability of the new General Permit (Notice of Intent –Who May Apply – page A-1) Permit

The proposed general permit does not clearly state if existing projects will be allowed to continue with their current permits or be required to apply under the jurisdiction of this new general WDR. The NOI does indicate that the permit may

be used to replace individual waste discharge requirement, water recycling requirements, or master reclamation permits but is not clear if this is mandatory or optional. LADWP believes applicability should be optional.

LADWP requests that the language be clarified so that there is no ambiguity with the new WDR applicability for both existing and newly created recycled water projects.

4) Determination of agronomic application of recycled water for irrigation projects (Section B, Item 2, page 16)

Section B, Item 2 of the permit requires the application of recycled water at agronomic rates and that the user shall consider soil, climate, and nutrient demand, consistent with the applicable provisions of the Recycled Water Policy. LADWP believes that this requirement is onerous and redundant for the recycled water user and will discourage the use of recycled water. For those areas where regional salt and nutrient management plans (SNMP) have been developed, this type of information has already been taken into account when developing the salt and nutrient loading. Requiring individual users to reestablish this information would be a duplicative effort. For those areas where SNMPs are still in development, recycled water users should use BMPs in consultation with the permit administrator until the SNMP is approved.

LADWP suggests that the permit administrator be allowed to provide to the user information on acceptable application rates, run times etc., that have already been established in the existing salt and nutrient plan. This would then satisfy the requirement without the user being responsible for additional evaluations that have already been done in the preparation of the salt and nutrient plan.

LADWP requests that this requirement be removed from the permit and replaced with the following language:

“Direct the permit administrator to work with recycled water users on the best application rates for recycled irrigation water according to best management practices.”

5) Diversion of Wastewater Discharges to Recycled Use (Section B, Item 3, page 16)

Section B, Item 3 indicates that permit administrators are responsible to determine that the diversion of wastewater to recycled water use is consistent with Water Code Section 1211 and made certain that wastewater treatment plants have conferred with the State Water Board’s Division of Water Rights in this matter. LADWP believes this requirement should be the responsibility of the State and Regional Water Boards to confer with the Division of Water Rights that

the requirements of Water Code Section 1211 have been met when NOIs are submitted for review and approval.

LADWP requests that this section of the permit be changed by removing the producer, distributor and/or administrator requirement and that the State and Regional Boards have the responsibility of making sure that the requirements of Water Code Section 1211 are met after conferring with the Division of Water Rights.

6) Finding 19 – (Page 6)

Finding 19 allows for municipalities, flood control agencies, or other local agencies to prohibit, restrict, or control discharges of wastewater subject to their jurisdictions. This language could lead to instances where local agencies pass ordinances not allowing for any type of recycled water runoff or discharge from a use area into an MS 4 and/or storm drain. This paragraph has the potential to severely impact the opportunity to utilize recycled water. Small releases of recycled water are not equivalent to discharges of wastewater. The WDR should offer some type of relief and protection for incidental releases of recycled water from use areas.

LADWP requests that this finding be removed or that language safeguarding the use of recycled water with incidental releases be preserved. LADWP offers the following language to be inserted:

“Notwithstanding a local jurisdiction’s authority to control the discharge of wastewater, incidental releases of recycled water used in compliance with Title 22 approved uses, and in keeping with the state mandate to expand the uses of recycled water, should not be prohibited from discharging to the storm drain and/or MS 4, and should not be subject to additional use/discharge restrictions beyond those already outlined in the state water code and Title 22.”

7) Finding 26 (page 9)

Finding 26 discusses the potential for recycled water to degrade groundwater with the addition of salinity, nutrients, pathogens or disinfection by-products and allows the Regional Board discretion to elect enrolling a discharger under this proposed WDR or an individual permit.

As proposed in this WDR, recycled water is to be used only for approved non-potable Title 22 uses and does not include any type of groundwater replenishment, or discharge to percolation ponds, spreading basins or injection. Since the recycled use will not come into contact with groundwater, it does not pose a potential to degrade groundwater. Therefore, there is no need for the Regional Board to have this discretion as to whether or not the discharger is allowed to enroll under this proposed WDR. Therefore, LADWP believes this

statement should be removed as it does not reflect the proposed use of recycled water in compliance with this WDR.

LADWP requests that Finding 26 be removed.

8) Section C – Water Recycling Administration Requirements (Section C – page 16-17)

Items 7 and 13 – 16 of this section require the Administrator to perform certain duties to show compliance with the permit requirements. Many of the functions called out in these items could in fact be carried out by entities who are not acting as the permit administrator but who are owners/operators of various parts of the recycled water distribution and delivery system working in conjunction with the permit administrator.

LADWP requests that the words “or its designated agent” be added after the word Administrator in these sections to allow for these additional partners to assist the permit administrator in the required compliance activities.

9) Monitoring and Reporting Program – Inspection Program (Attachment B, Item B.4 – page B-3)

The requirements of the monitoring and reporting program call for the permit administrator to conduct periodic random inspections of users to ensure compliance. As part of the recycled water users agreement, inspections are already being performed by the user. Requiring additional inspections creates an added burden of compliance that will not provide additional information beyond that already supplied by the user during his/her regular inspections.

LADWP requests that this additional inspection program requirement be removed. Results of the user’s inspection program would be communicated to the permit administrator to track any conditions that warrant repair, modification or further action.

10) Monitoring Program / Annual Report requirements (*Monitoring and Reporting Program – C.3.b.iii – Page B-4*)

The annual report requires the administrator to monitor daily deliveries to users and provide this information on an annual basis. This seems excessive to require daily flow volumes to each user. A monthly or annual total of recycled water use seems more practical.

LADWP requests that recycled water be reported on a monthly or annual basis for each user rather than as a daily rate.

11)Monitoring Program / Annual Report requirements (Monitoring and Reporting Program – C.3.b.vi – page B-4)

The permit requires as part of the annual report, the inclusion of:

- 1) An update regarding current and future development of the water recycled program, including planning, design and construction of facilities, preparation of required reports and technical documents and progress toward recycling approvals
- 2) Progress and evaluation of any special studies or projects being undertaken related to the program.

The internal planning of future projects that may or may not come to fruition and their progress through a planning and information stage do not have any impact or bearing on the compliance efforts related to this permit. Future projects that do make it through the planning stages and are approved internally to move forward would need to be submitted and approved through the proper regulatory channels and would at that time be made known to the Regional Boards and the CDPH. All other information would not be necessary and create an undue reporting burden on the Administrator.

LADWP requests that this requirement be deleted.

12)Footnote * to Table B-1 (page B-5)**

The footnote *** to Table B-1 states that user sites are to be inspected a minimum of annually for applicable standard observations. This is in conflict with the requirements of the Monitoring and Reporting Program, Section B, item 3.b which states that recycled use areas shall be inspected at a frequency, specified by the Administrator's use area permit.

LADWP requests that this footnote be changed by removing the words "a minimum of annually" and adding "at a frequency" after "Applicable Standard Observations" to be consistent with the requirements in the permit.

13)Expiration of WDR

LADWP suggests that this new general WDR not have an expiration date similar to the Water Recycling Requirements (WRRs). This would facilitate consistency and encourage the uninterrupted and increased use of recycled water and not have the burden of permit re-applications every five years.

14) Acronyms in the Document

There are many acronyms used throughout the draft WDR, in order to ensure their understanding and meaning it would be helpful to have a list of acronyms in the permit.

LADWP requests that a list of acronyms be added to the permit.

15) Specifications (Section B.1 – page 15)

The language of the permit indicates that the permit administrator shall discontinue delivery of recycled water for projects that do not comply with the permit requirements. This language seems extreme to cut off recycled water delivery in the event that a recycled water user is out of compliance with a provision of the permit. Recycled water users should be given an opportunity to correct permit compliance issues before having service discontinued.

LADWP requests that this language be softened and replaced with language that allows for a recycled water user to correct deficiencies in a reasonable time period:

“The Administrator shall work with recycled water users found to be out of compliance with requirements of this permit in order to correct these deficiencies. If the deficiencies in the User’s program are not corrected in a reasonable time frame, the Administrator shall at that time discontinue delivery of recycled water for that project. The Regional Board shall be copied on any correspondence concerning non-compliance between the Administrator and the User.”

16) General Provisions (Section D.10 – page 19)

The permit calls out other WDRs or waivers of WDRs. These are not specific and a recycled water user may not know what this reference is referring to. All requirements that a recycled water user or the permit Administrator are to be responsible for should be called out and specified in this permit.

LADWP requests that this provision of the permit be removed.

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In closing, LADWP appreciates the opportunity to provide these comments and looks forward to working with the State Board staff in developing a general WDR for the use of recycled water that will support the expanded use of this valuable resource. For questions or additional information, please contact Mr. Michael Hanson of my staff at 213-367-0634.

Sincerely,



Katherine Rubin
Manager of Wastewater Quality and Compliance

MH:lr

c: Ms. Felicia Marcus, Chair, State Water Resources Control Board
Ms. Frances Spivy-Weber, Vice Chair, State Water Resources Control Board
Ms. Tam Doduc, State Water Resources Control Board
Ms. Dorene D'Adamo, State Water Resources Control Board
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