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May 27, 2014

State Water Resources Control Board
c/o Jeannie Townsend, Clerk to the Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814

Submitted electronically to commentletters@waterboards.ca.gov

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

Dear Ms. Townsend and Members of the Board:

On behalf of the Sacramento Regional Sanitation District (Regional San), thank you for the opportunity to provide comments regarding the proposed General Waste Discharge Requirements for Recycled Water Use (General Order) released on May 6, 2014. Regional San provides recycled water for landscape irrigation in south Sacramento County and is seeking to expand its distribution for other uses including: industrial purposes, trucked use such as dust control, agricultural irrigation, and to support environmental habitat.

Regional San supports the use of a General Order to streamline permitting of recycled water uses. However, we have the following concerns and comments related to the proposed General Order. Note that the General Order text is shown in ***black italics***, with proposed additions in **green-underlined** text and deletions in **~~red-strikeout~~**.

General Comments:

1. The General Order is proposed as waste discharge requirements. We support a revision to allow re-issuance of the waste discharge requirements as water reclamation requirements (WRRs) should the legislature authorize WRRs by the State Water Board.
2. Finding 3 places an emphasis on recycling water that would otherwise be discharged into the ocean or saline bays. Many sources of recycled water that would otherwise be discharged to surface waters are also available and could be of significant benefit as a regional water supply. The General Order should not indirectly discourage use of those recycled water sources through Finding 3. Accordingly, we recommend revising Finding 3 as follows: ***“Recycled water” means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource. (Water Code, § 13050(n)). Coverage***

(Comment 2 continued)

under these General Waste Discharge Requirements (WDRs) for Recycled Water Use (General Order) is limited to treated municipal wastewater for non-potable uses. An estimated 1.85 to 2.25 million acre-feet of water supply could be realized annually through recycling by the year 2030. (California Department of Water Resources, Bulletin 160-2009, p. 11-9.) An estimated 0.9 million to 1.4 million acre-feet of "new water" could be realized by 2030 through recycling of municipal wastewater that is discharged into the ocean or saline bays. Because discharges to the ocean or brackish water bodies support few, if any, downstream beneficial uses, such discharges are excellent sources of wastewater for future recycling efforts.

3. We recommend deleting Finding 27 in its entirety as it is an accurate but unnecessary restatement of the law. To the extent that the State Water Board determines it necessary to maintain such a finding, we recommend that the finding be moved to a more appropriate section of the findings. It is currently in the anti-degradation section, which may not be appropriate. For clarity purposes, the State Board should consider adding a section for Applicable Laws and Policies, so that findings such as 27 and others can be included once rather than repeated throughout the General Order in an unnecessary and duplicative manner.
4. The General Order should clarify the requirements or options available for agencies that have a current Master Water Reclamation Permit. We understand that agencies have the option of maintaining existing Master Water Reclamation Permits, and the General Order should clearly indicate that such option remains.
5. The monitoring and reporting requirements included in the General Order are significant. For example Attachment A (Notice of Intent) requires detailed information for each user site such as a site map and a water/nutrient balance. Recycled water is often provided to multiple locations of similar use such as landscape irrigation and water truck use, where detailed monitoring and reporting seems to provide no significant benefit. The draft General Order should be modified to reduce duplicative monitoring and reporting where the information is unnecessary, primarily because these requirements will serve as potential administrative barriers to agencies or potential users of recycled water and thus frustrate the very purpose of the streamlined General Order.
6. The proposed General Order and attachments have specificity for the roles and responsibilities of the Administrator, the Producer, the Distributor, and the Users. For instance, Section C Water Recycling Administrative Requirements Item 7 states "***The Administrator shall conduct periodic inspections of the User's facilities and operations to determine compliance with conditions of the Administrator requirements and this General Order.***" The Administrator may not have access to a User's facilities during operation. It should be the primary responsibility of the User to inspect his facilities for compliance with the General Order. We recommend that assignments of responsibility for the General Order and attachments be written so as to allow flexibility with the use of terms such as "***Administrator or its designated agent***", especially in performance of field actions required for compliance.

Specific Comments and Recommended Changes:

7. Finding 14 addresses CEC monitoring. We recommend revising the finding as follows; ***“The monitoring requirements and criteria for evaluating monitoring results in the Recycled Water Policy and this order are based on recommendations from a Science Advisory Panel.⁷ The Science Advisory Panel evaluated the need for and did not recommend CEC monitoring for non-potable uses. Because this order is limited to non-potable uses and does not authorize groundwater replenishment activities, monitoring for CECs is not required by this General Order.”***
8. The draft General Order contains requirements and provisions that are duplicative and/or slightly reworded of requirements included in Water Code Section 1211 and in Title 22. This and similar text should be removed. One example of this is found in the Antidegradation Analysis provision 24.b.ii which states, ***“Application of recycled water is controlled to prevent airborne spray.”*** We recommend removal of duplicative, reworded or added requirements and inclusion of a statement such as ***“Water recycling projects must comply with all applicable Title 22 requirements.”*** Further, and as is mentioned above, the State Board should consider adding a section to the findings for all Applicable Laws and Policies. By doing so, findings relevant to such laws could be stated once, and there would not be a need to repeat such statements throughout the findings. The General Order should not impose additional requirements for recycled water projects.
9. Finding 25, Paragraph 3 states ***“To the extent that the use of recycled water as a source supply results in a point source discharges of used recycled water, that water will undergo subsequent treatment consistent with the Clean Water Act and/or the Porter Cologne Water Quality Act, as applicable.”*** This sentence is unclear. Clarify what is meant by a source water supply and under what circumstances additional treatment would be required. If this sentence imposes requirements in addition to those already included in existing statute and policies related to recycled water, it should be deleted. The General Order should not impose additional requirements for recycled water projects.
10. Specification B-3 requires that the Administrator provide, prior to a change in the point of discharge, certification that the State Water Board Division of Water Rights (DWR) has either approved or determined that their approval is unnecessary, in accordance with Water Code Section 1211. The requirement to make the water recycler secure an affirmative decision on water rights is inappropriate. Rather than include this requirement regarding a certification, the permit should simply reference the appropriate Water Code Section. The following language could be used, ***“Water Code Section 1211 requires that prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, the owner of any wastewater treatment plant shall obtain approval of the State Water Board for that change, except in cases where changes in the discharge or use of treated wastewater do not result in decreasing the flow in any portion of a watercourse.”*** If this section is retained in the final General Order, clarification is necessary as to conditions under which an order approving change is **not required**, such as expanding the place of use or the type of use.

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We support, in general, the comments provided by WaterReuse and the Central Valley Clean Water Association (CVCWA) on the proposed General Order. Taken together, we believe these comments will help to ensure that the final General Order will facilitate streamlining water recycling projects.

If you have any questions or comments regarding the items above, please feel free to contact me at (916) 876-6092 or MitchellT@sacsewer.com, or Lysa Voight at (916) 876-6038 or VoightL@sacsewer.com.

Sincerely,



Terrie Mitchell
Manager, Legislative and Regulatory Affairs

cc: Prabhakar Somavarapu, District Engineer, Regional San
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