



## CALIFORNIA SECTION

February 15, 2008

Via Electronic Mail & Hand Delivery

Tam Doduc, Chair and Members  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95812

**RE: Comments on the Draft Strategic Plan Update 2008-2012  
(January 25, 2008 – Version 3)**

Dear Chair Doduc and Members of the Board:

The California Section of the Water Reuse Association (WaterReuse) appreciates the opportunity to submit these comments on the third version of the draft *Strategic Plan Update 2008-2012 (Strategic Plan)* dated January 25, 2008. WaterReuse is a non-profit organization that promotes responsible stewardship of the State's water resources by maximizing the safe, practical, and beneficial use of recycled water. These comments address both *Priority 2: Protect Groundwater* and *Priority 3: Promote Sustainable Water Supplies* and reflect our commitment to help California achieve increased sustainable water supplies through water reuse.

As you know, recycled water is fundamental to the State's water supply and economic future. In 1997, the Legislature adopted statewide goals to recycle water: 700,000 acre-feet by 2000 and 1,000,000 acre-feet by 2010. The State did not achieve the goal set for 2000 and may not meet the goal set for 2010. In 2003, California's Recycled Water Task Force<sup>1</sup> identified the major barriers to meeting the recycled water goals. Such barriers include lack of funding for projects and research and the need for more public outreach and education programs to address public perceptions about water reuse. The Recycled Water Task Force also found that regulatory and permitting practices result in inconsistencies, delays, increased project costs, and overly burdensome requirements on water reuse. These barriers prevent California from realizing its

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<sup>1</sup> Chaired by then-State Water Board member Richard Katz, the Recycled Water Task Force's membership represented federal, State, local government, public health, and other private and public sector interests and produced: *Water Recycling 2030, Recommendations of California's Recycled Water Task Force* (June 2003).

### ***Recycling Water to Meet the World's Needs***

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recycled water potential and jeopardize the sustainability of the State's water supply. Frequently, the regulatory barriers are erected in an attempt to protect the groundwater from either irrigation or recharge practices, and regulation is applied uniquely to the recycled water source.

### ***Priority 2: Protect Groundwater Quality***

While WaterReuse focuses on advancing the State's recycled water supply consistent with legislative goals, we have found that water recycling has increasingly been implicated as a "waste product" that will adversely affect groundwater quality rather than a valuable resource that can be utilized to strategically enhance conjunctive use of groundwater for the benefit of the people of California. It is for this reason that we offer comments on *Priority 2: Protect Groundwater*.

First, we appreciate the State Water Board's consideration of commentary provided at the recent workshop that this priority be focused on reducing "discharge of contaminants" rather than reducing "discharge of waste," which may have the unintended consequence of discouraging the use of recycled water instead of potable water for groundwater recharge and injection projects. Clearly, modifying the focus to reducing (or preventing) contamination will advance groundwater protection while minimizing unintended impediments to recycled water use.

Second, we encourage the State Water Board to take a more collaborative interagency approach in implementing this program priority. For example, more articulated coordination with the Department of Water Resources (DWR) could help achieve mapping goals because DWR maintains basin maps as part of its Bulletin 118 process. Likewise, the AB 3030 groundwater management planning process provides a locally driven, collaborative framework that avoids "top-down" regulation and results in appropriate solutions. In this time of increasingly limited public resources, collaboration between the agencies charged with ensuring both the quantity and quality of the State's water supply is surely in order.

### ***Priority 3: Promote Sustainable Water Supplies***

WaterReuse appreciates that the latest revisions to *Priority 3: Promote Sustainable Water Supplies* are an improvement. However, the State Water Board can further improve the priority to address more appropriately and effectively the barriers identified by the Recycled Water Task Force.<sup>2</sup> The draft *Strategic Plan* proposes a mandate-based regulatory approach to water reuse,

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<sup>2</sup> We are hopeful that the State Water Board will also address the barriers identified by the Recycled Water Task Force in the Water Recycling Policy scheduled for adoption in March 2008.

but a collaborative approach to water conservation and stormwater. Under Action 3.2.1, water quality-based permits must require the development of Water Recycling Plans for wastewater treatment plants in areas that use imported water. Action 3.2.1 also mandates the prioritization of such plans, presumably through regulatory requirements. Conversely, Action 3.1.1 related to water conservation calls for government agencies and other stakeholders to work together to update best management practices and efficient water management practices. Action 3.3.1 related to stormwater calls on government agencies and other stakeholders to collaborate to develop a stormwater reuse target.

Action 3.2.1 forces change through the regulation of recycled water producers in areas that use imported water. The command-and-control approach proposed is overly simplistic and will not lead to any meaningful increase in recycled water or sustainable water supplies. The action presumes that wastewater agencies in imported water use areas neglect to plan for water reuse or resist water recycling in some way. This is simply not true in most instances. Various factors make it infeasible or impractical to produce or use recycled water. As explained above, the Recycled Water Task Force identified barriers to increased water reuse, such as overly burdensome permitting requirements. The level of treatment and proximity to customers and use areas are other key factors. Wastewater agencies alone do not decide how and where recycled water will be used. Rather, it is usually a collaborative partnership between water and wastewater agencies that results in getting projects done.

Orange County Water District and Orange County Sanitation District's joint Groundwater Replenishment System is an example of such cooperation, as is the Water Replenishment District's 45-year Montebello Forebay Groundwater Recharge Project and more recent Alamitos Barrier Seawater Intrusion Barrier Project. The Sanitation Districts of Los Angeles County alone partners with 28 other retail and wholesale water purveyors, including cities, municipal water districts, mutual water companies, investor-owned water companies, and a groundwater basin manager, as well as a handful of direct users. These partnerships realized 94,680 acre-feet of recycled water use in Fiscal Year 2006-07, nearly ten percent (10%) of the State's goal for 2010.

Accordingly, WateReuse respectfully submits that the State Water Board revise Action 3.2.1 to engender a collaborative approach as was done for water conservation and stormwater. Specifically, we request that the State Water Board consider the following Task Force recommendations when revising Action 3.2.1:

Tam Doduc, Chair and Members

Re: Comments on the Draft Strategic Plan Update 2008-2012

February 15, 2008

Page 4

Task Force Recommendation 2.2.1(d) – The State Water Board, DWR, and Department of Public Health (DPH) should convey their mission to maximize recycled water use throughout all government levels via interagency cooperation.

Task Force Recommendation 4.3.1 – The State Water Board should appoint and empower a key person to provide oversight of the water recycling permits issued by the regional water boards. This person would act as an ombudsman to facilitate recycling and arbitrate conflicts.

Finally, WateReuse would welcome the opportunity to assist the State Water Board in reconvening its Recycled Water Summit as part of the implementation of this important *Strategic Plan*. This “working group” was convened in the late 1990s and included the State Water Board, DWR, DPH, and WateReuse. The goal of this working group was to work to explore and discuss emerging issues in order to facilitate cooperative resolution in advance of difficulties developing.

Thank you for the opportunity to submit these comments on the most recent draft of the *Strategic Plan*. As you continue to refine the draft *Strategic Plan*, please do not hesitate to contact me if WateReuse can be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Bill Jacoby". The signature is written in a cursive style and is placed on a light blue rectangular background.

Bill Jacoby  
President