

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
JULY 7, 2009**

ITEM 9

SUBJECT

CONSIDERATION OF THE ADOPTION OF GENERAL WASTE DISCHARGE REQUIREMENTS FOR LANDSCAPE IRRIGATION USES OF MUNICIPAL RECYCLED WATER (GENERAL PERMIT) AND A RESOLUTION APPROVING CERTIFICATION OF A MITIGATED NEGATIVE DECLARATION FOR THE GENERAL PERMIT

DISCUSSION

The proposed General Permit is intended to satisfy the requirements of California Water Code (Water Code) section 13552.5, added by Assembly Bill 1481 (De La Torre, Ch. 535, Statutes of 2007). This section requires the State Water Resources Control Board (State Water Board) to adopt a General Permit for landscape irrigation uses of municipal recycled water. The General Permit is intended to streamline the permitting of most landscape irrigation uses of municipal recycled water, in accordance with the Recycled Water Policy adopted on February 3, 2009.

For the General Permit, the State Water Board is acting as the "lead agency" under the California Environmental Quality Act. Under the proposal, the State Water Board would certify a mitigated negative declaration for the General Permit and determine that the General Permit will have a less-than-significant effect on the environment.

Applicability: The proposed General Permit contains eligibility criteria and would be issued to producers and distributors of recycled water for landscape irrigation purposes. The recycled water must be produced by a public entity at a municipal wastewater treatment plant; it must meet or exceed standards for disinfected tertiary recycled water; and it must only be used for landscape irrigation.

Enrollment Process: The State Water Board will process applications for coverage under the General Permit. Upon receipt of a complete application package (i.e., complete Notice of Intent Form, Operation & Maintenance Plan, and application fee), staff will post the application on-line to allow for public review and comments for thirty (30) days. Following the close of the comment period, the State Water Board (via the Division of Water Quality) would issue a *Notice of Applicability* letter to applicants found to meet the eligibility criteria.

"Incidental Runoff": In conformance with the Recycled Water Policy, the General Permit includes a prohibition against the discharge of recycled water to federal waterways unless otherwise authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The General Permit also requires applicants to develop and implement Best Management Practices (BMPs) necessary to achieve a safe and efficient irrigation system (i.e., preclude "incidental runoff" of recycled water). Staff believes in most cases any incidental discharges of recycled water, following implementation of appropriate BMPs, can be regulated pursuant to existing storm water NPDES permits.

Constituents of Emerging Concern / "Emerging Contaminants": In conformance with the Recycled Water Policy, the General Permit does not require monitoring of constituents of emerging concern. However, the General Permit includes "reopener" language to allow the State Water Board to modify the General Permit in the future, if appropriate.

Existing Requirements: Producers and distributors will have the option of continuing to be covered under their existing permits or seeking coverage under the proposed General Permit. Regional Water Quality Control Boards (Regional Water Boards) may have some administrative responsibilities following approvals of coverage under the proposed General Permit. As Producer and Distributors obtain coverage under the General Permit, Regional Water Boards will be expected to rescind any existing redundant requirements.

POLICY ISSUE

Should the State Water Board:

1. Adopt the proposed General Permit?
2. Adopt the proposed Mitigated Negative Declaration for the General Permit?

FISCAL IMPACT

If the State Water Board adopts the General Permit, it will incur administrative costs. Water Code section 13552.5 requires the State Water Board to process, review, and approve applications for coverage under the General Permit. The law also requires the State Water Board to “establish a reasonable schedule of fees to reimburse the State Water Board for the costs it incurs in implementing, developing, and administering” the General Permit. Proposed revisions to the fee schedule will be heard at another time. There may be an associated reduction in costs at the Regional Water Boards, since they may issue fewer individual orders for water recycling facilities.

REGIONAL WATER BOARD IMPACT

Yes. The Regional Water Boards may have some responsibilities including rescinding redundant requirements and enforcing the General Permit.

STAFF RECOMMENDATION

The State Water Board should:

1. Adopt the General Permit.
2. Adopt the proposed Mitigated Negative Declaration for the General Permit.

State Water Board action on this item will assist the Water Boards in reaching Goal 3 of the Strategic Plan Update 2008-2012 to increase sustainable local water supplies available for meeting existing and future beneficial uses by 1,725,000 acre-feet per year, in excess of 2002 levels, by 2015, and ensure adequate flows for fish and wildlife habitat. In particular, approval of this item will assist in fulfilling Objective 3.2. to increase the acceptance and promote the use of recycled water and the reuse of storm water as locally available, sustainable water supplies consistent with the Climate Change Draft Scoping Plan developed pursuant to the California Global Warming Solutions Act of 2006 (AB 32) and other relevant State and regional efforts.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

APPROVAL OF CERTIFICATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF THE MITIGATED NEGATIVE DECLARATION COVERING GENERAL WASTE DISCHARGE REQUIREMENTS FOR LANDSCAPE IRRIGATION USES OF MUNICIPAL RECYCLED WATER ORDER NO. 2009-XXXX-DWQ

WHEREAS:

1. The State Water Resources Control Board (State Water Board) has served as the lead agency for the preparation of a [mitigated negative declaration](#) and initial study¹ (hereafter "Analysis") prepared for the [General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water \(General Permit\)](#).
2. The State Water Board circulated the draft Analysis for public review and comment.
3. The State Water Board responded to the comments received and has prepared a Final Analysis.
4. The State Water Board has reviewed and considered the information within the Final Analysis. The Final Analysis, prepared in accordance with the California Environment Quality Act (CEQA)² and the State CEQA guidelines³, reflects the independent judgment and analysis of the State Water Board.
5. Pursuant to section 15064(f) of the State CEQA Guidelines, the State Water Board finds that the General Permit, including its required mitigation measures, will not have a significant adverse impact on the environment. Any impacts that might occur as a result of specific implementation projects can and should be mitigated by the entity carrying out or permitting that project. However, the General Permit implements feasible mitigation measures that will substantially lessen any adverse impacts to a level of insignificance.
6. All mitigation measures identified in the Final Analysis have been incorporated in the General Permit.

¹ Attachment

² Public Resources Code section 21000 et seq.

³ 14 California Code of Regulations [CCR] section 15000 et seq.

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board certifies that the Final Analysis with the mitigation measures for General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water (order no. 2009-XXXX-DWQ) complies with the requirements of CEQA.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 7, 2009.

Jeanine Townsend
Clerk to the Board