

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF JULY 16-17, 2020

Prepared on July 8, 2020

ITEM NUMBER: 8

SUBJECT: Issuance of Waste Discharge Requirements, National Pollutant Discharge Elimination System Permit No. CA3000001, Order No. R3-2020-0004 for Cayucos Sanitary District Water Resource Recovery Facility, San Luis Obispo County

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KEY INFORMATION: Comments received during the written public comment period but not included in staff report.

COMMENTS

On March 9, 2020, before the end of the public comment period, Central Coast Water Board staff received a comment letter from Carpinteria Sanitary District on the February 7, 2020 draft Order No. R3-2020-0004 for the Cayucos Sanitary District (Discharger) Water Resource Recovery Facility (Facility). When transitioning to full teleworking due to Covid-19, Central Coast Water Board staff misplaced this comment letter. Central Coast Water Board staff became aware of this after finalizing the agenda package for the July 16-17, 2020 Central Coast Water Board meeting. See below for the direct transcription from the letter, which does not include the entire content of the comment letter, as some content is non-substantive (e.g., salutations, contact information).¹

March 9, 2020 Carpinteria Sanitary District Comment Letter

The Carpinteria Sanitary District appreciates the opportunity to comment on the Draft Order establishing requirements for recycled water production and the discharge of treated effluent from the Cayucos Sanitary District's Water Resource Recovery Facility.

As you may know, the Carpinteria Sanitary District (District), in collaboration with the Carpinteria Valley Water District, is pursuing an indirect potable reuse groundwater augmentation project (Carpinteria Advanced Purification Project – see <http://cvwd.net/capp/>). This is a sustainability focused water supply project, currently at the 50 percent design completion stage, intended to recycle as much of our average dry weather effluent flow as possible, with consideration given to technical feasibility and responsible expenditure of public funds. Despite this pursuit, the District is strongly

¹ Contact Central Coast Water Board staff to request a copy of the entire comment letter.

opposed to provisions of Draft Order No. R3-2020-0004 that are essentially mandating 100 percent effluent recycling at the Cayucos Sanitary District Water Resource Recovery Facility.

The District's key objections to Special Provision 6.c and related conditions in the Draft Order are outlined below:

- This requirement is inconsistent with State law. The California Water Code does not provide the Central Coast RWQCB the authority to require 100 percent effluent recycling.
- The requirement is inconsistent with the SWRCB Recycled Water Policy which encourages recycling but in no way mandates 100 percent reuse or recovery.
- Including this unreasonable requirement in an NPDES permit could expose the discharger to citizen suits and third party liability under the Clean Water Act, with potentially disastrous impacts to agency finances.
- Small facilities with limited resources, such as Cayucos Sanitary District, will undoubtedly struggle to meet the significant technical, fiscal, operational and regulatory hurdles associated with development and operation of a recycling facility capable of meeting a 100 percent recycling target.
- Treatment trains to achieve SWRCB standards for indirect potable reuse do not effectively handle variable flow rates (either diurnal or seasonal) making continuous recycling of 100 percent of effluent flows essentially impossible.
- Maturation of direct potable reuse as a recycling scheme, with an approved regulatory framework, will expand the potential to maximize recovery and reuse. However, 100 percent reuse will remain infeasible or illogical for many dischargers.
- If the RWQCB objective is to enhance water supply resiliency, and not to protect receiving waters, then the cost burden associated with this permit provision should be borne by the water purveyor benefitting from the new supply. As drafted, this condition seriously damages the discharger's ability to negotiate and develop reasonable cooperative agreements or partnerships to enable water recycling.
- The Draft Order essentially ignores or disregards the cost of achieving 100 percent reuse. Unless such a mandate has an accompanying grant funding component, the cost per acre/foot or per dwelling unit is likely to be unacceptable to ratepayers who have ultimate control over utility rates per State law.

The District's concerns about this individual permit condition are heightened by recent correspondence from the Central Coast RWQCB to the Montecito Sanitary District wherein the Executive Officer states "*In the future, we anticipate requiring all ocean dischargers to recycle 100 percent of their treated wastewater.*" A copy of this January 28, 2020 letter is attached for your reference. While the District supports the goal of maximizing beneficial reuse of wastewater, and in fact is proceeding with a project to achieve this goal for the Carpinteria Valley, a uniform mandate to recycle 100 percent by every ocean discharger is not good policy. Including strict requirements to achieve

this objective in individual NPDES permits at this time is simply untenable in our opinion.

We strongly encourage your Board to carefully analyze both the NPDES permit provision at issue and also your staff's stated policy position with respect to a 100 percent recycling mandate. I would be happy to discuss this matter further or provide additional input in support of the District's position.

Staff Response to March 9, 2020 Carpinteria Sanitary District Comment Letter

In alignment with the recommendation in this comment, Central Coast Water Board staff amended section VI.C.6 of the draft Order to remove the requirement to reuse the Facility's treated effluent by a specified date and instead require recycled water management planning to inform requirements in future permits for implementation of a recycled water management program. See Staff Response to Comment Cayucos Sanitary District – 8, in Attachment 1 of Item No. 8, for more information about these modifications.

See also staff responses to comments from Montecito Sanitary District, Goleta Sanitary District, and WaterReuse California and California Association of Sanitation Agencies addressing the other key objections raised by the commenter.

Additionally, see Staff Response to Comment Montecito Sanitary District – 1, on page 49 of Attachment 1 of Item No. 8, regarding Central Coast Water Board staff's January 28, 2020 letter to Montecito Sanitary District.

Central Coast Water Board staff commends the commenter for pursuing an indirect potable reuse groundwater augmentation project to diversify Carpinteria's water supply portfolio. This project provides a case example of another Central Coast publicly owned treatment facility with an ocean discharge planning for and taking steps towards providing its treated effluent for beneficial reuse. Like the Discharger, Carpinteria Sanitary District is not a water purveyor. This project provides an example of a sanitary district, without water supply authority, partnering with a water purveyor to reuse its treated effluent.

RECOMMENDATION

Adopt Order No. R3-2020-0004 as proposed.

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