

## **Russian River Watershed Protection Committee**

**P.O. Box 501**

**Guerneville, CA 95446**

**(707) 869-0410**

**rrwpc-1@comcast.net**

September 1, 2008

Tam Doduc, Chair and Members  
State Water Resources Control Board  
1001 I St.  
Sacramento, CA 95814

VIA EMAIL: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Re: Statewide General Permit for Landscape Irrigation Uses of Recycled Water  
and Recycled Water Policy

Dear Ms. Doduc and Board Members:

Russian River Watershed Protection Committee (RRWPC) is aware that your Board has been developing a Recycled Water Policy. We recently learned that you are also developing a Statewide General Permit for landscape irrigation uses of recycled water. We would be interested in obtaining information on how development of the permit and the policy intersect with one another as they evolve through their processes.

RRWPC represents about 1500 supporters who live, work, recreate, and own property and businesses in the lower Russian River. We are a nonprofit corporation and have been in existence since 1980. We have tracked water and wastewater issues in our area all that time, and inform the public of governmental policies and projects that affect and address our water quality and quantity concerns.

Our commentaries are provided to and published by several local newspapers. We also distribute informational mailers to our supporters every other month. We are members of the Sonoma County Water Coalition and the Sonoma County Conservation Council, among others. We attend most meetings of our local Supervisors, Councils, Utilities Departments, Agencies, etc. where water and wastewater issues are addressed.

It is my understanding that the State Water Board is scheduled to soon release for public review a draft policy proposal for recycled water use and a proposed General Permit for application of irrigated wastewater. I wanted to inform you of our major concerns on this topic. We also intend to provide comments when the draft policy/permit is formally released for public review. We request that this letter and attachments, including 8 pictures be entered as part of the record

for these issues. Please inform us of the status of the record and whether we will need to resubmit these documents.

We share the concerns so eloquently expressed by Linda Sheehan of the California Coastkeeper Alliance and others in their two lengthy letters (June 22, 2007 and Oct. 26, 2007) on the Water Recycling Policy and the June 26, 2008 letter on the General Permit. For us, the most salient issue for both the Policy and the General Permit is the unresolved issue of "incidental" runoff.

We also agree that the State is facing severe water shortages and that this new recycling policy and general permit is a way for you to take forward steps in addressing the problem. Our thoughts were encapsulated in a statement by Ned Orrett, a respected environmental engineer from Petaluma (water conservation expert) when he recently wrote, *"Non use of a resource is always preferable to using (and recycling it), especially when non use is the result of improved efficiency so that no sacrifice is involved."*

RRWPC is developing research to show that millions of gallons of water can be saved each year by repairing wastewater infrastructure. This will be a topic for another letter in the near future and we will not go into details now.

We share Linda Sheehan, (et. al.), concerns that many harmful constituents in the wastewater are unregulated, yet their significant harm is becoming more and more apparent. Reports abound not only about harm to the fish, but also to the other aquatic life and particularly the amphibians. Studies have shown that the birds and marine mammals are affected as well. (Reproductive problems of birds have been extensively documented.) Recent reports further indicate that species extirpation has been also documented at an increasingly alarming rate.

The Living Planet Index, compiled by the World Wildlife Fund and others, claims that the bird, fish, mammal, reptile, and amphibian populations have dropped by almost a third in the last 35 years. The main causes for this precipitous decline are attributed to pollution, agriculture, urban expansion, over-fishing and hunting. Between 1960 and 2005, as the world's population doubled, marine bird species have fallen by 30%, land-based species by 25%, marine species by 28%, and freshwater species by 29%. Biodiversity is a significant marker of the health of the environment and these levels are at a level not seen since the dinosaur age.

In regard to the issue of recycling wastewater, of particular concern is the recent discovery of an array of toxins in drinking water supplies nationwide, known to be present in the waste-stream. Pharmaceuticals and personal care products are neither monitored nor regulated, yet are known to cause serious harm to human and environmental health. Regulators have thus far ignored the call to demand precaution from those involved with creating, utilizing, and processing these chemicals, so prevalent in our daily life.

There has been a predominant disassociation between massive cancer incidences, especially among people under 50 years old, and exposure to environmental

toxins. As cancer incidences grow, regulators have clung to antiquated risk assessment methodology as the required precursor to regulatory standards. Regulations must be transformed from using consumers, workers, and wildlife as guinea pigs for the chemical, pharmaceutical, personal care, cleaning product, and manufacturing industries. Clean water regulations must protect the public and hold companies accountable for the "collateral damage" from their products.

Nutrients and salts are also cause for concern. It is the nutrient issue that is of particular concern to our area, especially in regard to surface water. We were disappointed that the policy appears to focus exclusively on groundwater and avoids mention of surface water impacts. Below we describe the Laguna de Santa Rosa nutrient and sediment impairments and their impacts on a burgeoning Ludwigia problem.

We strongly support Ms. Sheehan's comments that the General Permit must be a Joint NPDES Permit/WDR. She states, (p. 5 of the June 26, 2008 letter), *"By authorizing these discharges with an NPDES permit that includes the conditions needed to protect water quality, the State Board both safeguards beneficial uses and relieves dischargers of potential liability for violating the Clean Water Act..."* We also strongly agree that recycled wastewater (It IS recycled WASTEWATER, and not recycled WATER.) should not be administered under the Storm Water (MS4) permit structure for the reasons she enumerated.

We also support the author's recommendations for the contents and applications of the General Permit and especially support the proposed limits on user eligibility. We are most concerned about the extreme carelessness of current irrigators using potable water. The Sonoma County Water Agency has publicized their concerns extensively about limited summer water supplies. Yet people continue to over-irrigate their lawns. Some of the worst offenders are the business parks, which are slated to use much of Santa Rosa's recycled wastewater when it becomes available.

We remember one wealthy speaker at a hearing on fee increases indicating that he uses 70,000 gallons of water a month, mostly on his garden. Because he has a lot of money, he's willing to pay the price. Partly because of this situation, during last year's water shortage, the City had to hire a "water cop" to go around and field complaints of over irrigation (articles attached). Citizens are usually willing to cooperate in an "emergency" situation, but if they were using wastewater, which in most cases looks like potable water, they could have a hard time understanding the need for greater care. We can imagine many situations where kids, charged with watering the lawn as one of their chores, might think it funny to spray their younger siblings or friends.

Santa Rosa has been planning a \$150 million dollar recycling project to eventually irrigate about 2 billion gallons a year. They have stated repeatedly that they will not build the project without a Basin Plan Amendment that allows "incidental" runoff, thus far an undefined term. While their system is better than most and seems to be fairly well run most of the time, nevertheless almost every year they have some permit violations. Because of the carelessness of current

irrigators, we have deep concerns about allowing wastewater runoff at a time when there is very little water in the streams, and are already severely impaired.

Some City Staff have privately admitted that the business park in which City buildings reside, currently allows irrigation runoff (potable water) on a regular basis, even after all the publicity about needing to conserve water. One day I attended an early meeting at the Santa Rosa Wastewater Treatment Plant and discovered puddles from irrigation with wastewater right before their front door. When I called it to the attention of staff, it was immediately cleaned up, but I doubt that any spill report was made. On subsequent occasions in the same location, I noticed the sidewalk was wet, although there were no puddles. I have also noticed over-irrigation right in front of their Utility Department offices at a different location.

One day, driving down a major road in Sonoma County through an agricultural area, a very powerful irrigation pump was shooting wastewater across the road. If I hadn't closed my window in time, it would have landed on my face. I reported that incident, but never heard anything back on it. Staff should contact the person reporting the incident to inform them of what action has been taken and the outcome. Finally, my last story may be the best of all.

I was doing some research at the North Coast Regional Board in Santa Rosa and briefly chatted with one of the staff people who informed me that their business park wouldn't even allow low water use landscaping. I was told that the managers of the complex frequently allowed water to runoff from their irrigation system. The Sonoma County Water Agency, ostensibly so concerned about conservation, would do nothing about it.

I went away for a while, and when I returned, lo and behold, the sprinklers were watering the grass, the street and the gutters in front of the Regional Board's office. This time I took pictures (August 26, 2008), which I attach to this email. The problem of controlling irrigation practices, even during water short periods, is a difficult one. To give these same people (business park managers/owners) responsibility for managing irrigation with wastewater without ample oversight is asking for large-scale contamination of our waterways and our drinking water supply and must not be allowed.

The thought that "incidental" runoff may be translated to mean that large-scale pollution is permissible is particularly abhorrent to us. It is very telling that in developing their urban irrigation policies, the City of Santa Rosa has refused to include a requirement cutting off repeat offenders from their irrigated wastewater supply even though it would simply mean they would use potable water and not lose their supply altogether.

At the same time, under a Basin Plan Amendment allowing incidental runoff, it is likely that citizens would lose their ability to petition the courts if the Regional Board was unwilling or unable to take action. It is very telling that the current budget impasse may be causing some Regional Board staff to find other employment opportunities. I have heard that most of the RB1 enforcement unit

has left and many enforcement actions are temporarily on hold. Furthermore, it is getting more difficult to find qualified, let alone talented people to replace those who leave.

I say this only to point out that real life makes it impossible to protect the environment at all times and adequate protections need to be built in to the regulations so as to acknowledge this reality. (I believe that current staff at RB1 are outstanding. I am not trying to imply their job performance is lacking in any way, merely that circumstances, such as a lack of a State budget and diminished funding for Board programs, sometimes make it difficult for them to perform optimally.)

RRWPC has provided a great deal of input and involvement over the years concerning the 303(d) impairment listings for the Laguna de Santa Rosa. This water body, and its tributaries, is the sink for all the developmental impacts in Santa Rosa, Rohnert Park, and Cotati. It is a flood plain for the Russian River and during large floods; the river backs up and turns the Laguna into a giant lake. The floods even back up into Santa Rosa's Delta Pond, from which they discharge their wastewater. The Pond opens up to allow floodwaters in during large rainfall events, turning the pond into a giant toxic soup.

The Laguna suffers from multiple impairments including nitrogen, phosphorus, dissolved oxygen, temperature, sediment, and mercury. If there were an impairment called invasive species, the Laguna would top the list. I am including recent photos of two views of two locations taken from a road bridge looking both upstream and downstream. Wall to wall Ludwigia everywhere you look.

For the last three years, ending in 2007, the Laguna Foundation, spending over \$2 million, took on the task of removing the Ludwigia in two main locations. I have attached the Final Report. The photos included in the report show two portions of the location about one half to one mile west of Rohnert Park. It turns out that the photos I took are in the same location as several photos appearing in the final report (Ludwigia Control Project, January, 2008, Laguna de Santa Rosa Foundation)

The Executive Summary includes the following: *"Ludwigia is symptomatic of underlying problems in the Laguna. These problems will be solved only through watershed-level efforts including reduction of nutrient, sediment and summer water inputs, as well as physical changes to the problem areas including large-scale restoration. Because these actions take considerable time, efforts should be taken to ensure that ground gained through the project period is not lost."*

The report states (about the two locations where my photos were taken), *"...the others are fed by urban and agricultural runoff during the dry season."* The channels are largely unshaded. And, *"....until recently the floodplain would drain each summer, it currently retains up to 1/2-3 feet of water during the dry season. Approximately 15% of the floodplain and 80% of the channel was covered with Ludwigia"*

*prior to project activities."* From the looks of the photos, things are now back to where they were before the project, if not worse.

Vector control is also a big concern now. Page 27 of the report, in its conclusion states that, *"Reducing inputs of nutrients and sediment is paramount."* One of the suggestions for intermediate management (A TMDL is scheduled for 2011.) is water level manipulation. The document recommends sediment removal, creation of low flow channels, and reduction of summer irrigation runoff. The final statement contains a bit of irony. After spending over \$2 million, it says, *"Ludwigia responds positively to disturbance and sediment removal should always be accompanied by restorative actions such as establishment of riparian forests."* You can see from our current photos that the problem is at least as bad and perhaps worse than ever with no restoration projects planned in the near future.

Rapid growth in Southwest Santa Rosa and Rohnert Park over the last 15 years has caused a great deal of sediment to be released into the waterway. Over ten years ago the Army Corps of Engineers began studying the sediment problem and they have done next to nothing all that time. Nutrients are carried with the sediments into the channels. Lawns are common in Rohnert Park and over-watering with either water or wastewater causes nutrients to flow into the creeks. The system is flushed with nutrients, while cooling riparian is sparse. Additional irrigation with wastewater will exacerbate the problem.

RRWPC realizes that this letter may be too late for consideration for the Board's meeting on Sept. 2<sup>nd</sup> when you will have a brief update from staff on this issue. Since the policy and permit is still an on-going process, we hope that you will enter these comments into the record and inform us of their standing. We would appreciate any response to our concerns and we welcome any questions you might have. We do not envy the huge task before you, and we would like to help in any way we can.

Sincerely,

Brenda Adelman: Chair

Russian River Watershed Protection Committee

CC: Cat Cuhlman: North Coast Regional Board

Linda Sheehan: California Coastkeeper Alliance