



## San Diego County Water Authority

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SENT VIA: EMAIL TO  
commentletters@waterboards.ca.gov

October 25, 2016

**Felicia Marcus, Chair  
and Members of the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100**



#### MEMBER AGENCIES

Carlsbad  
Municipal Water District

City of Del Mar

City of Escondido

City of National City

City of Oceanside

City of Poway

City of San Diego

Fallbrook  
Public Utility District

Helix Water District

Olivenhain  
Municipal Water District

Olay Water District

Padre Dam  
Municipal Water District

Camp Pendleton  
Marine Corps Base

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Municipal Water District

Ramona  
Municipal Water District

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San Dieguito Water District

Santa Fe Irrigation District

South Bay Irrigation District

Vallejitos Water District

Valley Center  
Municipal Water District

Vista Irrigation District

Yuima  
Municipal Water District

#### OTHER REPRESENTATIVE

County of San Diego

**Subject: Comment Letter – Draft Report to the California Legislature on the Investigation on the Feasibility of Developing Uniform Criteria for Direct Potable Reuse**

Dear Chair Marcus and Members of the Board:

The San Diego County Water Authority, along with several of its member agencies and recycled water suppliers from the San Diego Region, appreciate the opportunity to comment on the September 8, 2016 draft Report to the California Legislature on the Investigation on the Feasibility of Developing Uniform Criteria for Direct Potable Reuse (Report).

Water and recycled water suppliers in the San Diego Region have been proactively pursuing a variety of potable reuse projects for the past several years. While these have been primarily groundwater recharge and surface water augmentation projects, as the regulatory framework advances, we expect that there will also be interest in developing direct potable projects. The Urban Water Management Plan for the San Diego Region identifies a potential of 110,000 AF of potable reuse supplies by 2035, representing sixteen percent of the region's future supply mix.

Within the San Diego region, we are finding that no two projects are exactly alike due to unique local circumstances. We appreciate the willingness of the State Board staff to work with the agencies locally in developing this important local supply. The City of San Diego and Padre Dam MWD have constructed potable reuse pilot plants and are conducting studies and research of various treatment processes and reservoir hydrodynamics specific to their local projects. These efforts have provided important technical information that has been used to inform the Expert Panel in its evaluation, and the State Board in its development of regulations and permitting of potable reuse projects. We expect that agencies in the San Diego Region will continue their innovative and pioneering work to advance potable reuse in a manner that will support and advance the State Board's efforts to develop a regulatory framework.

We appreciate the State Board's significant efforts over the past two years in moving potable reuse forward in California. Despite the expedited time frame required, the State Board was able to ensure completion of comprehensive reports by the Expert Panel and Advisory Group that are extremely helpful in advancing a framework for the development of recycling criteria to move safe and reliable potable reuse projects forward in California in a thoughtful manner. We support the overall approach recommended by the State Board and the Expert Panel of using multiple independent treatment barriers and a probabilistic Quantitative Microbial Risk Assessment (QMRA). We believe that this approach could be applied to a variety of potable reuse projects and will ensure protection of public health while allowing for ongoing innovation in technology and the flexibility needed to address specific local circumstances.

We would like to offer the following comments on the State Board's Report:

**The Definition of DPR in the Report Should be Consistent with the Statute**

The San Diego region has a number of surface water augmentation projects that are currently in the planning and design phases. How these projects are categorized is extremely important to the San Diego Region.

The State Board has identified three different categories of DPR:

1. A project delivering advanced purified water to a surface water reservoir, with the reservoir providing some benefits, but not meeting the requirements of the Surface Water Augmentation (SWA) regulations;
2. A project delivering advanced purified water directly to a surface water treatment plant or a surface water reservoir with the reservoir providing no benefits;
3. A project delivering finished water to a public water system's distribution system or "flange to flange."

Until the surface water augmentation regulations have been adopted, it is impossible to provide comment on the first definition of DPR. Moreover, the State Board's definition of DPR conflicts with the existing statute which defines surface water augmentation as the planned placement of recycled water into a surface water reservoir used as a source of domestic water supply. (CWC Section 13561(d)). The first two categories of DPR defined in the report conflict with definitions of surface water augmentation in statute. This change cannot be made through a regulatory process and would require a change in statute.

We recommend that the Report be modified to align the definition of DPR with the statute so that projects where the advanced treated purified water is placed into a surface water reservoir that is used as a source of domestic water supply are excluded from DPR and included in surface water augmentation. In all cases, we expect that the State Board and water suppliers will ensure that permitted potable reuse projects provide reliable, robust and redundant multi-barrier treatment that is adequately monitored and protective

of public health.

**The Report Should Provide Specific Milestones and a Timeline for Development of the Recycled Water Criteria for Direct Potable Reuse**

The State Board and Expert Panel found that it is currently feasible to adopt uniform water recycling criteria for DPR that is public health protective, but also identified areas where further research should be conducted before and/or concurrently with the development of the regulations. We have a shared commitment in supporting efforts that provide additional research and studies that ensures that the DPR regulations that are adopted are thoughtful and protective of public health. At the same time, we would like to see a clear path forward and timeline identified in the Report.

While the State Board provided a list of actions it plans to take moving forward, it does not indicate what actions or research needs to be completed prior to the adoption of a DPR framework, DPR regulations, or what the milestones are for development of the criteria. The Advisory Group report recommended that DDW should create and share with the public a work plan and time line for the next steps for developing regulations for DPR within six months of the Expert Panel's determination (*Refer: pg 20 last bullet of Section 3.4.1 of Advisory Group Recommendations*). We feel that this plan is needed to ensure that agencies can financially/technically support these research needs and ensure the timely completion of DPR regulations.

**The State Board should State its Intent to Provide a Case-by-Case Review of Projects Until Regulations are Adopted**

While there is an interest in taking the time to ensure up-to-date and technically supported criteria are adopted, it is important that potable reuse projects continue to move forward. There is a long history in California of moving potable reuse projects forward without specific regulations. As an example, allowing case-by-case approval of groundwater recharge projects prior to adoption of regulations allowed the criteria to be developed as the science, technology and knowledge advanced. The current groundwater recharge regulations are practical and public health protective, because they were based on real project circumstances. In addition, agencies in the San Diego region have been working with the State Board staff to conduct the research and prepare the engineering reports needed to support permitting of surface water augmentation projects. This has allowed projects to move forward in the absence of adopted regulations. We appreciate the willingness of the State Board staff to work on these projects and believe this approach can also work for direct potable reuse. This approach is in alignment with the Advisory Panel's recommendations as outlined below:

*As DDW develops DPR regulations, DDW should be able to consider DPR projects on a case-by-case basis. In addition, any future legislation should not delay the consideration by regulators of new potable reuse projects.*

**The State Board should Re-convene the Expert Panel to Act as the “Blue Ribbon Panel” in the Update to the Recycled Water Policy**

The State Board has indicated an intent to convene a “Blue Ribbon Panel” to provide recommendations for updating the State’s Recycled Water Policy as it relates to constituents of emerging concern (CECs). To build on expertise that went into the Report, we recommend reconvening the existing Expert Panel as the “Blue Ribbon Panel” to provide input into updating the Recycled Water Policy with respect to CECs. The Expert Panel completed extensive research in this area as part of the development of its recommendations.

**The State Board should Work with Wastewater Agencies to Monitor for Pathogens on a Voluntary and Project Specific Basis**

The State Water Board is suggesting across-the-board monitoring of pathogens in raw sewage at wastewater plants to be implemented through permit requirements of the Regional Water Quality Control Boards. It would be more reasonable and expeditious to request agencies interested in developing potable reuse projects to begin sampling raw sewage for pathogens as part of a voluntary effort. The State Board should work with water and wastewater agencies to identify the types of pathogens that should be monitored, and the appropriate laboratory methods. For example, the City of Oceanside recently completed a pathogen study that provides useful information on what should be monitored. The pathogens selected should focus on those needed to determine treatment requirements and should take into consideration the costs of monitoring and the availability of qualified laboratories. Agencies that are not interested in potable reuse should not be burdened with this monitoring requirement. The State Board is also recommending coordination with public health departments to identify outbreaks to allow for monitoring of sewage for pathogens. While this would be optimum, please recognize that these events may be infrequent.

**The State Board Should Work with the Water and Wastewater Agencies to Identify Steps that can be taken to Enhance Local Agency Authority over Source Control**

We agree with the Advisory Group’s recommendations on ensuring adequate source water protection for agencies considering potable reuse projects. In addition, the State Board has indicated an intent to work with the Regional Water Quality Control Boards to determine how pretreatment programs can be improved to address CECs. We also encourage the State Board to work with water and wastewater agencies to identify improvements that can be made to pretreatment and source control programs, and to

determine if additional local or State authorities are needed to minimize unauthorized or inappropriate discharges into the sewer system.

**Advanced Water Treatment Certification**

An advanced water treatment operator certification is critical to support safe and reliable potable reuse projects. The California Urban Water Agencies (CUWA) recently worked with a broad range of stakeholders to reach consensus on how to address operator certification issues. This information was used by the Advisory Group to develop its recommendations. We encourage the State Board to consider the recommendations of the Advisory Group and to continue your collaboration with the American Water Works Association (AWWA) and California Water Environment Association (CWEA) to develop an advanced water treatment certification program.

The Water Authority and our member agencies are committed to developing potable reuse for the San Diego region as an important component of a drought-resilient mix of water supplies. We look forward to continuing to work with the State Board on the development of projects and regulations that will advance the development of reliable and public health protective potable reuse supplies in California.

Thank you for consideration of our comments. If you have any questions regarding this letter, please contact Toby Roy, Water Resources Manager, San Diego County Water Authority, at (858) 522-6743.

Sincerely,



Sandra L. Kerl, Deputy General Manager  
San Diego County Water Authority



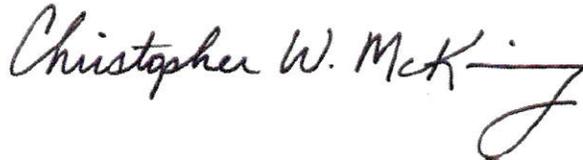
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Steven Moore, Board Member  
Dorene D'Adamo, Board Member  
Cindy Forbes, Deputy Director, Division of Drinking Water