



May 27, 2014

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comment Letter - Draft General Waste Discharge Requirements for Recycled Water Use

Dear Ms. Townsend and Members of the Board:

Thank you for the opportunity to submit comments on the State Water Resources Control Board's ("SWRCB") *Draft General Waste Discharge Requirements for Recycled Water Use* ("draft permit").

The City of Brentwood ("City") is supportive of efforts on the part of the State to streamline the permitting of recycled water uses. However, the City has reviewed the draft permit and is concerned that the current draft permit contains provisions that discourage recycled water use, or pose hindrances to the streamlining of permitting for recycled water use. Consequently, the City supports and joins in comments sent separately by:

- The Central Valley Clean Water Association ("CVCWA")
- WaterReuse

Additionally, the City makes the following specific comments:

- **The draft permit is not clear on how this permit would replace an existing master reclamation permit.** In Attachment A, it states that this permit "...may be used to replace individual waste discharge requirements/water recycling requirements/master reclamation permits..." but does not explain if this replacement is automatic upon issuance of the Notice of Applicability or if the master reclamation permit must be formally rescinded. The City has an existing master reclamation permit and wants to ensure that, if the City does pursue coverage under the new general permit, the City would not also have to continue coverage under the master reclamation permit.
- **The permit is not clear on whether an Administrator can add recycled water locations or users and, if they can, what the process is for doing so.** The draft permit requires that the Administrator submit, as part of the application, irrigation type/acreage/locations, a list of users proposing to receive recycled water, an estimated amount of recycled water used at use areas, and maps of use areas. As recycled water use is expanded and existing potable water users receive retrofits that allow the use of recycled water, it is anticipated that additional users will periodically be brought online.

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This may occur several times per year for many years. In the monitoring and reporting program, as part of the Annual Report, the Administrator is to provide "A list of new authorized recycled water Users, including the name of customers, application, source and projected annual flow to be delivered." It is not clear what it means for a recycled water user to be "authorized." If the only requirement for adding recycled water users is to report them as part of the Annual Report, this should be specified clearly in the permit.

- **The permit should contain a definitive finding of consistency with the Antidegradation Policy, and not leave determination of acceptable levels of degradation ambiguous and up to the discretion of the Regional Water Board.** In finding 25, the SWRCB finds that the limited degradation that would occur under the permit is to the maximum benefit of the people of the state, and further goes on to find that the treatment required under the permit (i.e., Title 22) is Best Practicable Treatment or Control. Then, after seemingly finding that the permitted action is consistent with the Antidegradation Policy, finding 28 states that the Regional Water Board may deny coverage if "The proposed discharge will degrade water quality to an unacceptable extent." Since "unacceptable" degradation is not defined, this provision could effectively prevent many uses of recycled water, with no clear way to prove that degradation is acceptable or unacceptable. Ambiguity and uncertainty with regard to the Antidegradation Policy's consistency is one of the fundamental reasons why the State's existing General Irrigation Permit has not been widely adopted and, thus, recycled water use has not expanded at a rate consistent with demand. This pertains to the City as well as numerous other local agencies. The permit should contain a definitive finding of consistency with the Antidegradation Policy so that this provision can be removed in its entirety.

Your consideration of the City's comments is greatly appreciated.

Sincerely,



Balwinder S. Grewal
Director of Public Works/City Engineer

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cc: Chris Ehlers, Assistant Director of Public Works/Operations