

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI

MAYOR

(6/3/14) Board Meeting
General Order for Recycled Water Use
Deadline: 5/27/14 by 12:00 noon

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May 27, 2014

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



“COMMENT LETTER – GENERAL ORDER WDRS FOR RECYCLED WATER USE AND/OR NEGATIVE DECLARATION AND INITIAL STUDY.”

The City of Los Angeles Bureau of Sanitation (City) thanks the State Water Resources Control Board (SWRCB) for the opportunity to comment on the proposed General Waste Discharge Requirements for Recycled Water Use (General Order). The City supports the General Order and would like to commend the SWRCB in developing a General Order that streamlines the permitting process for approved Title 22 beneficial uses.

Recycled water is a valuable resource in the State of California. The City was actively involved in the development of the Recycled Water Policy (RWP) and strongly supported AB 1481 – the goal of which was a general permit that increases the safe, reliable use of recycled water for landscape irrigation uses and reduces reliance on potable water sources.

On April 25, 2014, the Governor issued an Executive Order declaring a continued state of emergency due to severe drought conditions. The increased use of recycled water will aid the State of CA in meeting future water supply demands.

While the City appreciates the efforts of the SWRCB, the proposed General Order should encourage the maximum number of end users by removing regulatory burdens, which will increase the volume of recycled water statewide. As drafted, many agencies statewide with existing site-specific WDR/WRR permits may not be eligible for coverage under this General Order.

The City does not believe that landscape irrigation projects that meet Title 22 requirements warrant groundwater monitoring, as the City’s current water recycling permits require. The City believes that the General Order should be simplified and strengthened to clearly implement the SWRCB’s intent to streamline the permitting process and encourage water recycling.



The use of recycled water for Title 22 approved purposes has enormous environmental and economic benefits to the State of CA and has proven to be a safe and sound, which enhances natural resources and helps preserve CA's scarce water supply.

The City is supportive of the proposed General Order and the goals of the SWRCB and hopes the following technical comments will result in a more effective and successful program.

If you have any questions regarding the City's comments, please contact Hassan Rad, Assistant Division Manager of the Regulatory Affairs Division, at (213) 847-5186.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Zaldivar" followed by a flourish.

ENRIQUE ZALDIVAR, Director
Bureau of Sanitation

cc: Debbie Smith, RWQCB
Enrique Zaldivar, Bureau of Sanitation/EXEC
Traci Minamide, Bureau of Sanitation/EXEC
Varouj Abkian, Bureau of Sanitation/EXEC
H.R. (Omar) Moghaddam, Bureau of Sanitation/RAD
Hassan Rad, Bureau of Sanitation/RAD
David Pettijohn, LADWP

Technical Comments General Order WDRs for Recycled Water Use

Replacement of Existing Site-Specific Waste Discharge Requirements for Landscape Irrigation

The City's Water Reclamation Plants (WRPs) must comply with WDR, WRR, and NPDES permit requirements. The proposed General Waste Discharge Requirements for Recycled Water Use (General Order) should clarify that enrollment under the General Order will result in a complete recession of existing site-specific Waste Discharge Requirements for landscape irrigation uses of municipal recycled water. The City supports the intent of the SWRCB in developing a General Order that applies uniformly to all regions within CA by removing the multiple layering of existing WRP permits.

Groundwater monitoring requirements for irrigation projects do not encourage the use of recycled water and put existing and new projects in jeopardy. Instead of requiring monitoring for these low risk projects, the RWQCB should rely on existing Title 22 engineering reports and mass-balances to determine appropriate monitoring requirements – as the existing Water Recycling Policy and Salt and Nutrient Management Plans are sufficient to protect groundwater resources.

As drafted, this General Order allows for RWQCB discretion in enrolling Dischargers under this General Order if the discharge is not consistent with Basin Plan requirements. The City believes that the RWQCB should not have discretion to deny coverage under this General Order if the Salt and Nutrient Management Plan shows no significant impact to groundwater quality based off mass-balance calculations.

Once the Producer/Distributor files an NOI and receives an NOA for coverage under the General Order, the new General Order should automatically supersede and replace any existing WDR/WRR permits currently in place. This will allow for consistent and fair implementation and enforcement of recycled water projects throughout the state. The City requests that the RWQCB's discretion in issuing site-specific WDRs be removed unless a specific finding warrants site-specific WDRs.

The City requests that the following language be reworded as follows (existing language italicized, added language in italicized in bold):

Page 9 #26

“The Regional Water Board has discretion in enrolling Dischargers under this General Order. If the discharge is not consistent with Basin Plan requirements, the Discharger may elect to improve treatment, or a site-specific order can be prepared.”

The City suggests that this language be removed in its entirety, as it is inconsistent with #28 on page 11 which requires specific findings to deny coverage. If the SWRCB decides to keep this language, the City suggests that the language be amended to read as follows:

“The Regional Water Board has discretion in enrolling Dischargers under this General Order if they make one or more specific findings listed on page 11 #28. If a finding on page 11 #28 is made or if the Salt and Nutrient Management Plan shows significant impact to groundwater resources, the

discharger may elect to obtain compliance through improved treatment or implementation of additional BMPs - or a site-specific WDR can be prepared.

Page 11 #28

This General Order authorizes specified uses of recycled water statewide. If the use of recycled water as allowed by this General Order could result in unacceptable water quality degradation as described below, the Regional Water Board's Executive Officer may elect to continue coverage under and existing order for the discharge or propose a new site-specific order for consideration by the Regional Water Board. The Executive Officer shall support the need for a site-specific order, by making one or more of the following findings in the NOI response letter:

The City believes the term "unacceptable" is too subjective and should be removed and replaced with the following language:

*This General Order authorizes specified uses of recycled water statewide. If the use of recycled water as allowed by this General Order **results in a condition of pollution or nuisance or if Salt and Nutrient Management Plan shows significant impact to groundwater resources**, then the Regional Water Board's Executive Officer may elect to continue coverage under an existing order for the discharge or propose a new site-specific order for consideration by the Regional Water Board. The Executive Officer shall support the need for a site-specific order, by making one or more of the following findings in the NOI response letter. **If the Executive Officer does not make a finding that support the need for a site-specific WDR, the RWQCB must replace all existing individual WDRs, WRRs, and Master Reclamation permits with this General Order.***

Page A-1 Attachment A

This order is intended to serve as a state-wide General Order for recycled water projects. It may be used to replace individual waste discharge requirements/water recycling requirements/master reclamation permits and may be issued to any of the following:

The City believes this language should be amended to read as follows:

*This order is intended to serve as a state-wide General Order for recycled water projects. This General Order **must** be used to replace individual WDR, WRR, or master reclamation permits **if based on findings, site-specific conditions are unnecessary. If the Executive Officer makes no findings of pollution or nuisance and the Salt and Nutrient Management Plan shows no significant impact to groundwater resources, the Executive Officer must replace individual WDR, WRR, and master reclamation permits with this General Order.***

Administrator Requirement to Assure User Apply Only at Agronomical Rates

If the intent of this General Order is to promote the use of recycled water for irrigation by streamlining the permitting process and delegating the responsibility of administering water recycling programs to Producers and/or Distributors to the fullest extent possible, the SWRCB must make every effort to reduce unnecessary demands on Users of recycled water.

As currently written, the proposed General Order requires Administrators to require Users to apply recycled water only at agronomical rates. Applying recycled water at the correct agronomical rate is a function of weather, season, and plant and soil characteristics, and regional location. There is no need to require determination of agronomical rates for each specific irrigation project when the data is readily available in the literature and from past scientific studies. In order to increase the number of water recycling users, the agronomical rate should be based on regional conditions – not individual parcels or specific projects.

The City requests that the following sections be amended as follows:

Page 16 #2

Application of recycled water to the use area shall be at agronomic rates and shall consider soil, climate, and nutrient demand, consistent with applicable provisions of the Recycled Water Policy. The accepted agronomical rate of recycled water may be based on previous scientific studies for region based on existing plant life and corresponding water and nutritional needs – while considering precipitation, fertilization, and other supplemental sources and minimizing excessive application. Neither Administrators nor Users are required to do special studies to determine appropriate agronomical rates if previous data is available from past scientific studies.

Page 17 #6

The Administrator shall ensure recycled water meets the quality standards of this General Order and shall be responsible for the operation and maintenance of major transport facilities and associated appurtenances. The Administrator shall require Users to apply and/or use recycled water in accordance with all applicable CDPH water recycling criteria and to comply with this General Order, including requirements to apply only at agronomic rates and not cause unauthorized degradation, pollution, or nuisance. The Producer shall communicate to Users the nutrient levels in the recycled water and the accepted agronomical rate of recycled water application for a region based on the water and nutrients to satisfy the plants water and nutritional needs – while considering precipitation, fertilization, and other supplemental sources and minimizing excessive application. The agronomical rate should be checked and adjusted as needed as part of the Administrator’s inspection program.

Page A-2 Section IIb2

Describe how recycled water will be used. This should include:

2. An estimated amount of recycled water used at Use Area(s) of each User. Also include a water balance and nutrient balance analysis to illustrate agronomic rate application of recycled water in the Use Areas. The accepted agronomical rate of recycled water may be based on previous scientific studies for a region based on existing plant life and corresponding water and nutritional needs – while considering precipitation, fertilization, and other supplemental sources and minimizing excessive application. Neither Administrators nor Users are required to do special studies to determine appropriate agronomical rates if previous data is available from past scientific studies.

Monitoring and Reporting Program

The monitoring requirements for analyses are related to drinking water contamination from groundwater recharge projects. Monitoring requirements for recycled water projects - where the intended end use is irrigation, recreation, or industrial purposes - are unnecessary, costly, and overly burdensome. Mandating individual monitoring requirements for end Users will deter future users from utilizing recycled water. Additional monitoring should only be required if warranted or called for in the Recycled Water Policy or if specific findings are made based on inspections and/or specific problems identified within the watershed. This section needs to make it clear that most NPDES permitting requirements for Producers already require monitoring of all the priority pollutants once per year at a minimum and that this data may be submitted in lieu of individual determined Potentially Present Priority Pollutant List (P4 List).

The City requests that the following section be amended as follows:

Page B-2 B3a

*The Administrator may set individual User monitoring requirements based on the size, volume used, complexity, etc. for use areas. Producer conducted monitoring, or User monitoring if approved by the Administrator, shall be conducted at least annually. The monitoring program shall include monitoring for the Potentially Present Priority Pollutant List (P4 List) that is approved in the NOA. The P4 List monitoring shall be conducted once per year, except when the recycled water production facility has a design production flow for the entire water reuse system of one million gallons per day or less. For these smaller facilities, the recycled water shall be monitored for priority pollutants once every five years and at the commencement of the recycled water project. **Equivalent routine effluent (NPDES/WDR) monitoring data collected on days and during times recycled water is being produced can be submitted in fulfillment of all monitoring requirements. No Administrator or User shall be required to do any additional monitoring at individual User sites unless required by the Recycled Water Policy, applicable SNMPs, or additional findings based on site-specific inspections warrant additional monitoring, e.g., odor, pollution, or nuisance conditions.***

Discontinuance of delivery of recycled water for recycled water projects that do not comply with the requirements of the General Order.

The proposed General Order requires the Administrator to discontinue delivery of recycled water for “projects that do not comply with the requirements.” Recycled water production, distribution, and use must be in compliance with all of the specifications listed on page 15 – which includes violations of this General Order. The City does not believe that violations of minor provisions of this General Order, which are easily correctible with minimal environmental harm, should result in termination of service. Only if the violation is serious, ongoing, and/or results in a condition of pollution or nuisance or results in a violation of a Water Quality Standard should discontinuance of service be mandatory.

As written, this requirement offers no flexibility for sequentially more severe enforcement measures. It should be revised to require Administrators to have authority to discontinue serviced or to utilize other approaches to achieve compliance.

The City requests that the following sections be amended as follows:

Page 15 B1 Specifications

The Administrator may discontinue delivery of recycled water for projects that do not comply with the requirements. The Regional Water Board shall be copied on any correspondence concerning non-compliance between the Administrator and User

Administrator Requirements are burdensome and lack the ability to share and/or pass on some of the responsibilities more appropriately handled by others.

Many agencies have several Departments with overlapping jurisdiction and responsibilities over water recycling projects. The General Order needs to take into account that distribution networks, transportation facilities, inspection activities, etc. are often owned and operated by one other than the Administrator; thus, the Administrator should be allowed to delegate operation and maintenance responsibilities to the most appropriate entity.

The City requests that the following sections be amended as follows:

Page 17, Water Recycling Administration Requirement C-6 states, *“The Administrator shall ensure recycled water meets the quality standards of this General Order and shall be responsible for the operation and maintenance of major transport facilities and associated appurtenances. If an entity other than the Administrator has actual physical and ownership control over the recycled water transport facilities, the Administrator may delegate operation and maintenance responsibilities for such system to that entity.”*