

Construction Industry Coalition on Water Quality

May 22, 2014

Ms. Felicia Marcus, Chair
c/o: Jeanine Townsend, Clerk to the Board
California State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Via Email: commentletters@waterboards.ca.gov

RE: Comments on State Water Resources Control Board DWQ Order No. ____ Draft
General Waste Discharge Requirements for Recycled Water Use

Dear Ms. Marcus:

The Construction Industry Coalition on Water Quality (CICWQ) is submitting comments concerning the Draft General Waste Discharge Requirements for Recycled Water Use in California (Draft General Order). We are submitting this letter on behalf of the CICWQ membership, which is described below.

CICWQ is an advocacy, education, and research 501(c)(6) non-profit group of trade associations representing builders and trade contractors, home builders, labor unions, landowners, and project developers. CICWQ membership is comprised of members of four construction and building industry trade associations in southern California: The Associated General Contractors of California, Building Industry Association of Southern California, Engineering Contractors Association, and Southern California Contractors Association, as well as the United Contractors located in San Ramon. Collectively, members of these associations build a significant portion of the transportation, public and private infrastructure, and commercial and residential land development projects in California.

In preparing this comment letter, we conducted outreach with a cross-section of our membership, many of whom are experienced in using recycled water from available sources for construction activities. Our membership informs us that recycled water, when available, is used at construction sites primarily for dust control and earth moving activities; other uses are rare. Water sources for dust control and earth moving must be available at or near the job site, and be competitively priced with similarly available potable water sources. Our membership informs us that in some cases, public agencies that provide recycled water will require its use for job site dust control at projects performed for that agency.

CICWQ is encouraged that the Draft General Order could potentially provide additional sources of water to be used during construction; however we must point out that there are limitations and standards that exist that might prevent its use under certain conditions. One example is with the manufacture of concrete. Concrete is composed of cement, chemical admixtures and aggregates that are mixed with water to create a construction material widely used for buildings, roadways and infrastructure. Concrete can have different properties depending upon the mixture used to create it including strength, elasticity, hardness and workability. Various building standards specify the necessary properties of concrete depending on its application and use. The chemical characteristics of recycled water will vary depending on the source, therefore a recycled water use policy should not unintentionally establish a use criteria or requirement that interferes with the standards that concrete must meet for a specific job.

Similarly the Draft General Order should not create requirements that could potentially conflict with other state, regional or local environmental goals and objectives. For example, if recycled water use is required on a job for dust suppression or soil compaction, but the source of the recycled water is not directly available at the job site, a significant number of truck trips could be generated to haul the water to the site for its use. This would result in increased air emissions that would have not otherwise occurred. CICWQ believes that the Draft General Order should create opportunity to further allow reuse of a valuable resource and increase flexibility for California, but must avoid establishing additional regulatory barriers that could potentially contradict other environmental rules and regulations.

We have reviewed the Draft General Order and find that an element of the Order is unnecessary and should be eliminated. This element creates additional paperwork and increases administrative burden on contractors, who in the absence of an alternative, use recycled water for job site dust control and other practices just as they would for potable water, which doesn't require tracking. Our issue arises from language contained in Section C. Water Recycling Administrator Requirements, No 10 (emphasis added):

The Administrator shall develop recycled water use requirements for Title 22 approved uses such as dust control, concrete mixing, etc. Users of recycled water for such activities shall complete a recycled water release form or equivalent tracking documentation when receiving recycled water from the Administrator. This General Order allows transportation of recycled water by tanker-truck.

As written, this provision introduces a new and unnecessary paperwork preparation step into the process of using recycled water from an approved (the Administrator) source by a contractor. Currently preparation of a "recycled water release form or equivalent tracking documentation" is not required when contractors use recycled water anywhere in California. Furthermore, it should not be the responsibility or the burden of the contractor to track recycled water use at construction sites for recycled water that an Administrator (or the User Supervisor as defined in Attachment D) has certified to meet all applicable use standards per the Draft General Order requirements.

CICWQ suggests modifying Section C. Water Recycling Administrator Requirements, No 10 to read (emphasis added):

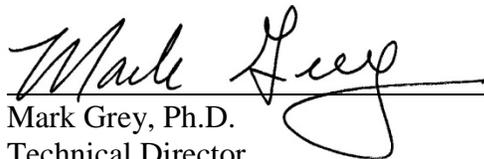
The Administrator shall develop recycled water use requirements for Title 22 approved uses such as dust control, concrete mixing, etc. The Administrator shall complete a recycled water release form or equivalent tracking documentation when supplying recycled water to Users for such activities. This General Order allows transportation of recycled water by tanker-truck.

Alternatively, it appears to CICWQ that if the Administrator carried out the duties described in provision No. 11 (and the NOI preparation and Monitoring and Reporting Program Requirements defined in Attachments A and B) and provided to recycled water users a Water Recycling Permit meeting these conditions, that provision 10 could be eliminated. Section C. Water Recycling Administrator Requirements, No 11 reads (emphasis added):

A copy of the Water Recycling Permit must be provided to Users by the Administrator. The Users must have the documents available for inspection by Regional Water Board staff, State/County officials, and/or the Administrator.

CICWQ's membership is in the forefront of water quality regulation, providing to water quality regulators practical ideas and solutions that are implementable and that have as their goal clean water outcomes. If you have any questions or want to discuss the content of our comment letter, please feel free to contact me at (951) 781-7310, ext. 210, (909) 525-0623, cell phone, or mgrey@biasc.org.

Respectfully submitted,



Mark Grey, Ph.D.

Technical Director

Construction Industry Coalition on Water Quality