

State of California
Department of Fish and Wildlife



Memorandum

Date: May 27, 2014

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

From: Sandra Morey *Allen Biers for*
Deputy Director
Ecosystem Conservation Division

Subject: General Order; General Waste Discharge Requirements for Recycled Water Use; SCH. No. 2014042085

The California Department of Fish and Wildlife (CDFW) has reviewed the Negative Declaration (ND) prepared by the State Water Resources Control Board (SWRCB) to evaluate impacts of its proposed adoption of a General Order that would permit non-potable uses of recycled municipal water in California (Project). CDFW is aware that the Governor's Executive Order Directive's 10 and 19 declaring a continued state of emergency due to severe drought conditions suspended the environmental analysis required by the California Environmental Quality Act (CEQA) for this General Order. Thank you for the opportunity to address CDFW's area of statutory responsibility that would normally be considered in the ND (Cal. Code Regs., tit. 14, § 15074, subd. (b)).

CDFW has jurisdiction over the conservation, protection and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW is a Trustee Agency with responsibility under CEQA for commenting on projects that could affect fish and wildlife resources (CEQA Guidelines, § 15386). As a Trustee Agency, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Fish & G. Code, § 1802). Though CEQA review has been suspended for the Project, CDFW offers the below comments and recommendations to assist SWRCB in reducing impacts on the environment.

Project Description and Environmental Impacts

CDFW requests that SWRCB specify in the ND "not to exceed" limits for each of the listed constituents. Pages 10 and 11 of the ND include summaries of water quality concerns associated with the use of recycled water; however, the ND fails to include numerical limits associated with water quality standards for each of the listed constituents. Without quantification of the range of acceptable water quality standards for each of the listed

constituents, CDFW is unable to comment on whether potential releases will have a negative effect on public trust fish and wildlife resources.

Salinity

CDFW recommends that additional background information be added to the ND concerning salinity and prolonged use of recycled water. Once recycled water has been added to irrigation lands, it has the potential to drain into other nearby areas (e.g., streams, lakes, and adjacent property). Additionally, inadequate drainage or excessive evaporation from repeated watering of agricultural fields may also lead to an accumulation of salts in the soil. Therefore, CDFW recommends that the final ND provide a discussion concerning the acute and chronic effect of salinity (e.g., species shift) that recycled water (point source and nonpoint source) may contribute to plant and animal species.

Nitrogen (nitrate)

CDFW recommends that additional background information be added to the ND concerning nitrogen and its effect once it is introduced in the environment. The Section 2.2.2 Nitrogen (nitrate) subsection states that plants will uptake nitrogen that is introduced; however, there is no discussion of the uptake of additional nitrogen and its potential effects on nonnative invasive plant species in the environment. CDFW recommends that the ND discuss how the uptake of excess nitrogen may also allow nonnative invasive species to outcompete native plants (e.g., federal and state protected plants) due to plant growing cycles.

Pathogens

CDFW does not believe that the description on Page 10 of the ND provides an adequate amount of background information concerning pathogens potentially present in recycled water. The ND should describe the effect of pathogen presence on wildlife (e.g., avian species) that consume/interact with water that has not been treated using Title 22 water recycling criteria. This description should include any potential deleterious effect.

CDFW recommends that that the appendix of the ND contains the Title 22 water recycling criteria mentioned in the above comment.

Stream Depth

CDFW believes that there is a significant need to continue to support fish and wildlife resources that are located downstream of wastewater recycled water facilities. There may be fully protected fish species located downstream which require adequate riparian habitat. Therefore, whenever water removal/addition is allowed, the permittee should ensure sufficient water at all times to pass downstream to maintain aquatic life below and above the removal/addition point. This includes but is not limited to the supply of water at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish movement.

FUTURE COORDINATION

Questions regarding this letter or further coordination should be directed to Cathie Vouchilas, Environmental Program Manager at (916) 651-1190 or cathie.vouchilas@wildlife.ca.gov.