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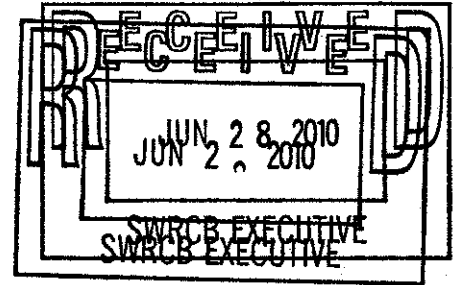
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Assembly California Legislature



JEAN FULLER
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BUDGET
UTILITIES AND COMMERCE



June 21, 2010

Honorable Chair Charles Hoppin
c/o Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
P.O. Box 100 Sacramento, CA 95812-0100

RE: Comment Letter-Malibu Septic Prohibition Resolution R4-2009-007

SENT VIA U.S. MAIL & FASCIMILLE

Honorable Chair Hoppin:

The purpose of this correspondence is to request that the State Board revise Resolution R4-2009-007 ("Malibu Septic Prohibition") to exempt all recycled water projects from said prohibition that propose to recycle and reuse 100% of the tertiary treated wastewater generated by such projects consistent with established water quality objectives and the recently adopted State water recycling policy and General Permit requirements (a.k.a, "No Net Discharge" Projects as these projects have come to be known).

Consistent with the SWRCB Adopted Recycled Water Policy

The State Water Resource Control Board adopted the Recycle Water Policy on February 3, 2009. The stated purpose of this policy was to "strongly encourage local and regional water agencies to move toward clean, abundant, local water for California by emphasizing appropriate water recycling, water conservation..." and to "increase the use of recycle water over 2002 levels by at least one million acre-feet per year (afy) by 2020 and by at least two million afy by 2030". I/we applaud your foresight in encouraging water recycling and thoroughly support this effort by the State Board. California faces an unprecedented shortage of water and we must, wherever possible, make sound and prudent use of this resource. Water recycling will go a long way towards solving this statewide problem and we must encourage public and private projects to move towards systems that recycle most if not all of their water.

I am encouraged by recent innovations in wastewater treatment and reclamation technology and strongly wish to promote the use of recycled water on both public and private projects with the beneficial impact of the latter being often overlooked in formulating a viable and sustainable approach to achieving the State's goals in this regard. Such "green" infrastructure not only addresses pollution concerns but also promotes sustainability and job creation as has been envisioned and espoused in multiple recent acts of both State and Federal legislation.

Exempting recycled water projects from the proposed resolution will encourage and incentivize both public and private projects to design projects that will both further the purposes of the recently adopted CA Water Recycling Policy and also, as required by the provisions of said policy, avoid deleterious impacts to Waters of the State and established beneficial uses (Consistent with Anti-Degradation Policy).

Such an exemption for appropriate water recycling projects will also encourage the formation of public-private partnerships in the area of water recycling. It will allow for more flexibility in environmental engineering and encourage entities both public and private to be "proactive" in pursuing State of the Art wastewater technology. As currently drafted, the Malibu prohibition conflicts with the State's Water Recycling Policy and fails to advance consensus building and immediate and innovative solutions to existing water quality problems.

Environmentally Superior

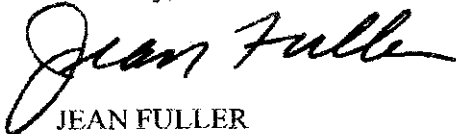
Additionally, I/we would be remiss if I failed to note that such decentralized "No Net Discharge" systems are in many aspects superior to conventional POTWs that traditionally treat wastewater only to dispose of that resource directly into our Rivers and oceans (not a sustainable or environmentally sound practice). Similarly, incentivizing decentralized water recycling activities with proposed water reuse on the site that the wastewater was generated reduces the energy required to transmit and transport recycled water lowering the carbon footprint (consistent with AB32).

Projects needed for job creation

California is, as is the nation, facing the worst economic period since the great depression. Unemployment in our State has reached an appalling 12%. However, in the building trades that number has reached as high as 50%! The construction industry is a major component of our State's economy and no reversal of our current state will be sustainable without growth in this sector. That is why it is incumbent upon all agencies of government to promote construction. If a project in the impacted area does meet the standards of being a no net discharge it should be allowed to move forward so that the jobs the project would create will come to fruition. As the Senator for the neighboring district I am particularly interested because my constituents will fill many of those jobs. If a project is not a no net discharge project then it should certainly fall under the guidelines of the prohibition. However, if it does not it should not be held up thus holding up thousands of much-needed jobs and the boost to the economy they will provide.

In sum, I hope that you will give serious consideration to my/our request to exempt water recycling projects from the proposed Basin Plan Amendment. The exemption will be consistent with the adopted CA Water Recycling Policy; it provides incentive to public and private entities to develop superior waste treatment and recycling alternatives to POTWs and will allow the economic benefit of development projects moving forward. If you have any questions please feel free to contact me.

Sincerely,



JEAN FULLER

Assemblymember, 32nd District