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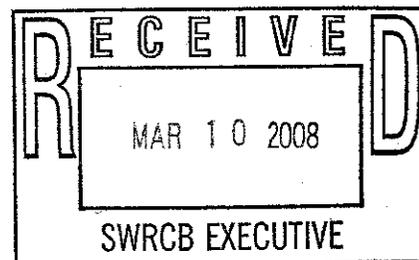
March 10, 2008

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Recycled Water

Tam Doduc, Chair, and Members
Attention: Jeanine Townsend, Acting Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Dear Chair Doduc and Members of the Board:

Subject: Comment Letter - Proposed Recycled Water Policy

The Coachella Valley Water District (CVWD) appreciates the opportunity to comment on the proposed Recycled Water Policy (Policy) for California. CVWD provides domestic water, wastewater, recycled water, irrigation/drainage and regional stormwater protection services to a population of 265,000 throughout the Coachella Valley. CVWD has also taken a lead role in groundwater management in the Coachella Valley by importing surface water for groundwater replenishment, encouraging water conservation and developing in-lieu groundwater recharge projects that depend on using alternative non-potable water supplies that include recycled water.

We support the leadership role that the State Water Resources Control Board (State Board) members took when they directed staff to develop a state-wide Policy that reduces the regulatory uncertainties that currently exist for permitting recycled water projects with the goal of promoting the use of recycled water. We certainly share this goal.

Unfortunately, we believe this goal has not been essential for State Board staff when drafting this Policy. This belief is supported by, and most evident in, the second bullet of the notice for public comment for this Policy which states that, "more emphasis has been placed on the ultimate goal of the proposed Policy, namely to provide an incentive for development of salt (including nutrient) management plans in groundwater basins that are threatened by salts." This divergent goal results in a Policy that will not promote recycled water use and will aggravate the existing uncertainties related to the use of recycled water. For these reasons we cannot support the adoption of the proposed Policy. Instead, we urge State Board members to take a more active role in the development of the Policy by facilitating discussions with a stakeholder workgroup that includes representatives from non-governmental organizations and the water industry to develop a Policy that truly promotes the use of recycled water.

**TRUE CONSERVATION
USE WATER WISELY**

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The goal of achieving a balance between promoting the use of recycled water and protecting human health and the environment is much like finding the balance between the need to disinfect drinking water and the risks of disinfection by-products. The Environmental Protection Agency found that the best way to find this balance was through the use of a facilitated stakeholder process. This same stakeholder collaboration can be used to resolve the problems with this Policy. Some of the problems with this Policy that we have identified that will discourage the use of recycled water are as follows:

1. **Wrong Objective.** This Policy should not be used as a "back-door" way to require the development of salt management plans. Recycled water is only one source of salt loading in groundwater basins and is not an appropriate driver for salt management plans. If the State Board wants the Regional Boards to implement salt management plans, then the State Board should direct staff to evaluate this issue, prepare a staff report to address the numerous issues associated with salt management that are beyond the scope, and unrelated to, the use of recycled water and develop an appropriate policy for managing salt in California. The Policy and the Policy staff report do not address the comprehensive issues associated with salt management. For example, the Policy does not mention or address the impacts that this Policy will have on groundwater replenishment projects using imported water or the numerous brine disposal issues that are seamlessly linked to the implementation of salt management plans. There are many more examples of salt management issues that are unrelated to recycled water and not addressed by the Policy. The CEQA Environmental Checklist is clearly written as an assessment of the use of recycled water and fails to adequately assess the impacts of implementing salt management plans for groundwater basins throughout California. Implementing these plans will be expensive. Assessing this impact is more important than ever considering the state of the economy and the fiscal problems the State of California currently faces. The State Board has failed to fulfill its obligation to assess the environmental impacts of implementing salt management plans required by this Policy. The appropriate way to assess this impact is through the development of an independent policy for salt management using a facilitated stakeholder's workgroup approach.
2. **Uncertain Limitations.** The Policy allows Regional Water Boards to establish recycled water limits, based on narrative toxicity objectives, which are more stringent than drinking water standards, without a basis in science. The Policy undermines an agencies' ability to plan for projects by introducing a level of uncertainty in regards to new limitations and unknown costs. The uncertainty associated with giving individual Regional Boards free rein to set any narrative limitations they wish is exactly the type of uncertainty that this Policy needs to eliminate in order to promote the use of recycled water.
3. **Uncertain Management Practices.** The Policy establishes a 3 mg/L nitrogen threshold in recycled water for implementation of nutrient management practices. The Policy fails to identify what is meant by "nutrient management practices." The typical recycled water that is produced exceeds this threshold and will be subject to these unidentified management practices. This lack of clarification provides Regional Board staff the opportunity to implement unreasonable management practices that discourage the use of recycled water and, again, adds to the uncertainty associated with recycled water use requirements and costs.

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4. Uncertain Application of Interim Requirements. The interim requirement in paragraph III.A.1. states, "For all recycled water projects within the basin, the monthly average TDS concentration in the recycled water shall not exceed the monthly average TDS of the source water supply, plus 550 mg/l." Three problems with this interim requirement that can be resolved through facilitated stakeholder discussions are as follows:
- a. Monthly Average. Source water TDS concentrations are not calculated monthly by public water systems using groundwater and neither the State Board, Regional Board or local recycled water agencies have the authority to enforce this monthly monitoring requirement for drinking water purveyors. The normal frequency of determining TDS for groundwater sources is once every three years. CVWD operates the largest public water system in a recycled water use area in the Coachella Valley. This system serves drinking water from over 100 groundwater sources each having a separate entry point to the distribution system. Each of these wells pump into a complex set of pressure zones that can operate independent of one another or share water based on highly variable and dynamic pressure changes within the system triggered by constantly changing water demands. These domestic water pressure zones do not correlate to sanitation service areas making a correlation between these two systems speculative at best. Making this speculation on a monthly basis is unreasonable and unwarranted. Taking monthly measurements of recycled water and comparing it to monthly speculations of the source water TDS based on monitoring performed once every three years is not a wise use of public resources. No percentage of recycled water use could result in a statistically significant monthly change in the average TDS concentration for this CVWD water system due to the analytical variability of the TDS test, large number of sources, thick unsaturated zone (typically greater than 200 feet), deeply placed well screens (typically greater than 700 feet) and the large volume of water within the groundwater basin (about 29 million acre-feet).
 - b. Recycled Water Monitoring. Because paragraph III.A.1. just refers to "recycled water", it is unclear where an agency would be required to measure TDS in recycled water to meet the TDS threshold. Recycled water producers only have control of the recycled water that is produced. Recycled water delivered to users is often mixed with other water sources during or after delivery and stored in water impoundments prior to application. Both of these processes can change the TDS concentration of the recycled water. The last paragraph of the section titled "Alternatives for Limitations on Salt" in the staff report for the Policy states, "The allowable difference between the public water supply and the produced recycled water is proposed to be 550 milligrams per liter (mg/l) TDS." This recognition of measuring TDS in the produced recycled water is not reflected in the Policy. The phrase "recycled water," in paragraph III.A.1. needs to be changed to "produced recycled water" to be consistent with the staff report and avoid the uncertainty that exists in the current Policy that could be used to discourage the use of recycled water during implementation.

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- a. Local Groundwater Conditions. Clay lenses and a large clay aquitard act to create perched shallow groundwater conditions in a large portion of the Coachella Valley. Over 37,000 acres of subsurface drains have been installed to reclaim this land by draining this perched groundwater, which is very saline that has no existing beneficial uses. While the perched groundwater has elevated salinity, the confined aquifer has low TDS levels, often below 150 mg/L. It would be unreasonable to require recycled water projects planned for this area to meet an effective TDS limitation of 700 mg/L when irrigation water commonly used in this area has TDS levels above 900 mg/L. This limitation would be more stringent than the upper limit for TDS in drinking water and would be several times lower than the level of TDS found in the perched groundwater. This is an example of an interim limit that does not take into account local conditions resulting in an overly protective TDS limit that will discourage recycled water use projects.

Based on discussions CVWD staff has had with members and staff of the California Association of Sanitation Agencies, WaterReuse Association and the Association of California Water Agencies, these agencies share our opposition to the adoption of the Policy on March 18. The future of the use of recycled water in California depends on the State Board taking action to prevent the adoption of the current Policy and to take a direct role in facilitating stakeholder workgroup discussions to develop a Policy that will truly promote the use of recycled water. We appreciate your consideration of our comments and look forward to providing additional input at the March 18 hearing to help achieve this goal.

If you have any questions or would like to discuss these comments, please call Steve Bigley, environmental services manager, extension 2286.

Yours very truly,



Steve Robbins
General Manager-Chief Engineer

cc: Dave Bolland
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