



CVCWA Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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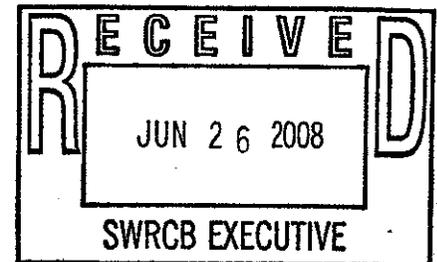
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June 25, 2008

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

Sent via email to: commentletters@waterboards.ca.gov

RE: Comment Letter-Landscape Irrigation General Permit



Dear Ms. Townsend,

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the scope of the General Statewide Permit for Landscape Irrigation (General Permit). CVCWA is a non-profit organization comprised of 60 wastewater treatment and collection agencies in the Central Valley. Many of CVCWA's member agencies currently recycle water and/or are considering new water recycling projects. We strongly advocate that the General Permit be developed through a stakeholder process and request participation in that process.

CVCWA believes that it is very important for this effort to establish a statewide general permit that expedites the permitting process to help increase the use of water recycling in the State, while preventing adding to the regulatory burden or requiring duplicative efforts or permits. This concept is clearly specified in AB 1481, which requires:

- (1) Except as provided by modification of the general permit, a person eligible for coverage under the general permit pursuant to subdivision (d) is not required to become or remain subject to individual waste discharge requirements or water reclamation requirements.
- (2) For a landscape irrigation use of recycled water, a person who is subject to general or individual waste discharge requirements prescribed pursuant to Section 13263 or 13377, or is subject to individual or master water reclamation requirements prescribed pursuant to Section 13523 or 13523.1, may apply for coverage under the general permit adopted pursuant to this section in lieu of remaining subject to requirements prescribed pursuant to those sections.

Our comments to the questions posed in the scoping notice are formatted in *italics*.

Eligibility Criteria

- **What uses of recycled water should be considered "landscape irrigation" uses?**

AB 1481 enumerates non-potable water uses, including, but not limited to, irrigation uses for cemeteries, golf courses, parks, and highway landscaped areas where recycled water is a better use of our water resources. These uses could clearly be expanded upon to include other similar uses, such as building and parking lot landscaping, industrial uses, etc. However, the definition should clearly distinguish between recycled water projects where recycled water is used in lieu of another source (e.g. potable water supply) and those projects where treated effluent is applied for disposal purposes or agricultural crop/fodder irrigation. The uses under the General Permit could include recycled water application for all non-crop irrigation purposes.

In addition, storage ponds may be used at golf courses, parks, etc. to store recycled water during the periods of low irrigation demand and to provide an adequate supply during periods of high demand. The State Water Resources Control Board (State Water Board) should consider covering this type of storage in the General Permit.

- **Who should be eligible for coverage under the General Permit? (e.g., producer, distributors, users, etc.)?**

The General Permit should either completely replace all types of recycled water permits or should only be required when coverage is not available under another permit. Therefore, in response to the specific question, the general permit should allow for coverage to all.

Duplicative permits should not be required. A current benefit of a master reclamation permit is that individual users are not required to seek individual coverage permits, thus avoiding additional regulatory burdens and costs. Agencies that operate under a master reclamation permit should be allowed to retain the ability operate under this permit for all types of recycled use or the General Permit should cover all these activities, so that dual permits are not required. Additionally, users should be allowed to continue to seek coverage under a Master Reclamation permit or the General Permit through the recycled water supplier, rather than through individual permits.

- **What are appropriate eligibility "criteria" and why?**

CVCWA suggests that the State Water Board approach eligibility through those not eligible for coverage, rather than trying to define narrow criteria. Future decisions on the permitting strategy will likely address this question.

- **Should certain areas be excluded from eligibility (e.g., wetlands, vulnerable surface waters, or unique public resources such as Lake Tahoe Basin or the California Coastal Zone)?**

CVCWA does not recommend that the General Permit exclude specific areas; rather if such exclusions are made, they should be made through a basin planning effort. It is important to recognize and remember that recycled water is a resource. Exclusion of recycled water

resources in unique areas can have significant impacts that are not appropriately addressed in a general permit process.

When recycled water projects are designed solely for wetland enhancement, the General Permit should not apply. However, where wetlands are part of or adjacent to a golf course, park, etc., where the overall objective is for landscape irrigation, a supplier/user should be eligible for coverage under the General Permit.

Recycled Water Benefits

- **What other potential benefits of recycled water used for landscape irrigation should the State Water Board take into consideration?**

Other recycled water benefits include:

- *Power generation or other industrial uses*
- *Stream flow augmentation*
- *Green house gas reduction due to savings for treating and delivering potable water for irrigation uses*
- *Renewable energy credits.*

Recycled Water Concerns

CVCWA General Comment: *The concerns outlined in this section of the scoping document apply to all types of water use (potable, well, irrigation, etc.). All these types of water uses, if improperly treated, managed and/or regulated, can cause water quality concerns. The use of recycled water does not necessarily mean that there is a greater threat than from other water sources. The draft permit needs to fairly balance the concerns surrounding improper management practices, whether using recycled water or other water sources.*

- **How should the General Permit address emerging contaminants?**

CVCWA recognizes that emerging contaminants are a concern for all types of water due to the unknowns surrounding the fate of these contaminants. We also recognize that very little information is known as to the impacts or toxicity of many of these constituents. As such, CVCWA recommends the findings of the General Permit should discuss these issues surrounding emerging contaminants. However, where numeric water quality objectives are not available, the General permit should not include specific requirements addressing these contaminants.

- **What considerations should be included in the General Permit regarding application of State Water Board Resolution No. 68-16 (the "anti-degradation" policy)?**

The aim of Resolution 68-16 is to "assure that...the highest water quality consistent with maximum benefit to the people of the State will be maintained." When treated and used in accordance with Title 22, recycled water poses no greater threat to beneficial uses than other available supplies (groundwater, surface water, potable water, etc.) If landscape irrigation is

properly practiced, anti-degradation should not be an issue. Title 22 requirements effectively constitute "best practicable treatment and control" and the "pollution and nuisance" will not occur. Therefore, the recycled water use should meet the antidegradation provisions in Resolution No. 68-16.

Groundwater monitoring requirements provides little environmental protection and adds additional economic burdens to the end user.

- **What other potential concerns regarding recycled water use for landscape irrigation should the State Water Board consider?**

Recycled water used for flow augmentation (either directly or indirectly) can have impacts on water rights. Water right requirements or restrictions have impacted some of our member's permits. We recognize that this issue may not be specific to the General Permit, but needs to be considered when establishing requirements for recycled water use.

Agency Coordination

CVCWA General Comments:

There needs to be continued coordination between the California Department of Public Health (CDPH) and the Regional and State Water Boards in the development of this permitting process, consistent with the charge of each of these state entities (i.e. protecting public health, and protecting water quality respectively.) Other natural resource agencies should be consulted where applicable, such as the U.S. Fish and Wildlife Agency and California Department of Fish and Game.

In all environmental regulation, the overall net benefits or detriments to the environment need to be considered and balanced. The benefits of recycled water are cross-media and include less export of surface water, less energy use and less impact to the environment.

- **How should the State Water Board coordinate the development of the General Permit with other state and federal agencies?**

The State Water Board should develop a stakeholder group to address various issues that arise in the development of the permit. The group should include both federal and state agencies, as well as groundwater management agencies and water replenishment districts, water recyclers, purveyors, and users. CVCWA would like to participate in this process.

- **How should the State Water Board facilitate consultation and consideration of "comments from the Regional Water Boards, groundwater management agencies and water replenishment districts with statutory authority to manage groundwater pursuant to their principal act, and any interested party," as required by the new law?**

The State Water Board should develop a stakeholder group to address various issues that arise in the development of the permit as described above.

- **Which recommendations in “Water Recycling 2030” by the Recycled Water Task Force (June 2003) should the General Permit implement and how?**

Incidental runoff and incidental groundwater recharge from both surface water impoundments and irrigation sites continue to be a major permitting issues and impediments to recycled water use and should be addressed in this permit. Different options for permitting incidental runoff and recharge (such as BMPs, coverage under stormwater permits, etc.) should be explored through this process.

Existing Recycled Water Use Authorizations

- **How should the General Permit address persons currently subject to the various Regional Water Board authorizations for “landscape irrigation uses” of recycled water?**

State Board should develop a matrix to show what types of permitting strategies for recycled water are available to all types of users. This should help clarify what permitting strategies are available for each type of user and how the General Permit can fit in or be designed to fit in so that redundant and multiple permits are not needed.

- **What is an appropriate way for the General Permit to interface with existing and future master reclamation permits?**

A water recycler – whether a producer, a purveyor, or a user - should be allowed to choose which permit they desire coverage under. If a producer has multiple permits (i.e. a WDR/NPDES permit) – it needs to be clearly delineated where that permit is applicable and where it ends. Ideally, between the permits, there should not be any overlap in regulatory requirements.

The State Board should develop and consider permitting options through a stakeholder process and continue to seek feedback in the development of the permit through workshops or other venues.

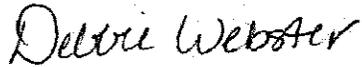
Fees

- **What is a “reasonable schedule of fees” to satisfy the new law?**

CVCWA recommends the fee structure not be a deterrent to the expansion of recycled water, especially for small users and purveyors.

CVCWA appreciates the opportunity to comment in this early phase of the General Permit development and strongly encourages the State Water Board to use an interactive stakeholder process to develop this permit. CVCWA would like to participate in this process. Please feel free to contact me with questions or to alert me to opportunities for our participation.

Sincerely,



Debbie Webster,
Executive Officer

c: Pamela Creedon, CVRWQCB