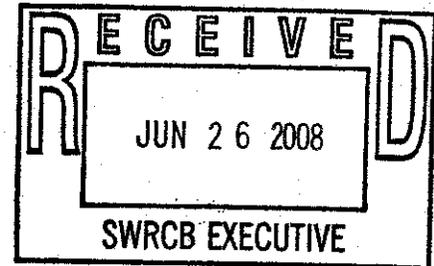


Public Workshop  
Landscape Irrigation  
Deadline: 6/26/08 by 12 p.m.

OFFICE OF THE MAYOR  
ANTONIO R. VILLARAIGOSA

June 25, 2008

Ms. Jeanine Townsend  
Clerk to the Board  
California State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814



Dear Ms. Townsend:

Subject: Comment Letter-Landscape Irrigation General Permit

The City of Los Angeles (City) appreciates the opportunity to submit technical comments to the State Water Resources Control Board (State Board) on the Statewide General Permit for Landscape Irrigation Uses of Recycled Water (Permit).

The City of Los Angeles commends the State Water Resources Control Board in its continued effort to promote the use of recycled water.

The State Assembly, recognizing the need to increase the use of recycled water for irrigation, passed Assembly Bill 1481 (AB 1481) to facilitate and expedite recycled water projects consistent with state and federal law. The City of Los Angeles strongly believes that the development of a uniform Statewide Permit, implementing the goals set forth in AB 1481, is necessary to expedite the permitting of landscape irrigation projects with recycled water in an efficient manner while protecting public health and the environment. A simplified recycled water irrigation permitting process will assist the City of Los Angeles in implementing its goal of using 50,000 acre feet of recycled water by 2019.

In addition to the provisions of AB 1481, on June 4, 2008, the Governor issued Executive Order S-06-08, which proclaims that the State of California is in a statewide drought. The Executive Order directs the Department of Water Resources (DWR) to implement steps to address the state's water crisis. In light of the Governor's declaration recycled water use will play a critical role in addressing California's growing water needs.

Recycled water landscape irrigation projects will be necessary to conserve potable water supplies and to meet the State of California's recycled water use goals. In order to expedite this process, the City of Los Angeles requests that the State Board take all steps to finalize and adopt the Permit by the end of December 2008.

The City of Los Angeles offers the following technical comments addressing the issues and questions posed by the State Board in its Project Discussion Paper.

***Eligibility Criteria for Coverage Under the Landscape Irrigation Permit***

To provide recycled water that is suitable for most available uses while protecting public health to the maximum extent practicable, Title 22 tertiary treated water should be the only recycled water authorized under this Permit. The allowed uses of tertiary treated water for irrigation, listed in Title 22, Section 60304, are relatively unrestricted and would allow for the greatest potential uses of the recycled water produced. The irrigation of parks, playgrounds, all golf courses, residential landscaping, freeway landscaping, cemeteries, and sport fields should all be considered eligible for landscape irrigation with tertiary treated water. A list of suitable uses, developed from Title 22, should be included as part of the Permit.

In addition to permitting tertiary treated water, water conservation Best Management Practices (BMPs) need to be developed and implemented as part of the Permit. The implementation of these BMPs will ensure the efficient use of recycled water and reduce incidental runoff.

The producers and distributors of recycled water should both be eligible to apply for coverage if they meet the criteria set forth in the Permit. The City believes that one master permit should be developed for a service area, and applied for by the water producer/distributor (purveyor). The purveyor for a specific service area would submit a Notice of Intent (NOI) for coverage under the Permit. Once the master permit is issued to the purveyor, the purveyor would identify potential users in their distribution area that meet the conditions of the Permit. These potential customers would be provided with the terms for the use of the recycled water. Once a potential customer has met the Permit requirements and agreed to the purveyor's terms, the customer would be signed up for service under the master Permit. The purveyor would be responsible for educating and monitoring the user on an ongoing basis to ensure the recycled water is being used according to the Permit.

The City does believe that landscape irrigation projects within certain watersheds should be excluded from eligibility under the Permit. It should be noted that in many parts of the State, Title 22 recycled water is being used to create wetlands and support habitats. Therefore, eligibility should be addressed on a case-by-case basis.

### ***The Benefits of Using Recycled Water for Landscape Irrigation***

The use of recycled water for landscape irrigation results in many benefits to the community and the users and results in providing the maximum benefit to the people of the State. The community benefits due to the fact that recycled water is a reliable source of locally produced water and in this time of drought, local sources of water are of great importance to the State's water management goals. Reducing the importation of water will save energy with the associated reduction in greenhouse gas emissions, which is consistent with the requirements of Section 38500 of the Health and Safety Code (California Global Warming Solutions Act of 2006) Irrigation water users will benefit because they will be supplied with a less expensive and more reliable source of water and could realize reductions in fertilizer use due to nutrients in the water.

In addition, the use of recycled water in lieu of potable water could ultimately result in the reduction in the size, cost, or may even defer the construction of additional potable water importation and treatment facilities.

### ***Concerns Regarding the Use of Recycled Water for Landscape irrigation***

The City believes that any concerns regarding the use of recycled water would be minimized with the inclusion in the Permit of the suggested eligibility and implementation requirements.

The treatment of the wastewater is the start of any successful recycled water project. This Permit should only address the use of properly treated recycled water. The Permit needs to specify the level of treatment required for landscape irrigation uses. The establishment and enforcement of sufficient water quality requirements and limitations that meet Title 22 requirements for the application of tertiary treated recycled water in conjunction with the implementation of stringent water conservation Best Management Practices (BMPs) will help reduce and/or eliminate potential issues concerning the use of recycled water. Regulations promulgated by the California Department of Public Health (CDPH) for recycled water irrigation use adequately protect human health and minimize the risk and impact of recycled water use to people and the environment.

The use of Title 22 Recycled Water has a long history of safe usage, particularly for irrigation purposes and is considered and recognized as a beneficial use of a valuable resource. Hence, using Title 22 recycled water criteria will protect public health if the requirements set forth in the Permit are adhered to. To ensure continued safe use of this valuable resource, the Permit should specifically list the permitted uses of the recycled water.

In addition to permitted uses of the recycled water, implementation of BMP policies should be developed as part of the Permit. These BMPs will ensure consistent

application of recycled water for landscape irrigation and additionally should address the preventive maintenance and care of landscape irrigation systems. As to the specific issue of incidental runoff, the implementation of the BMPs will also reduce the potential waste of the reclaimed water as runoff. Because the potential for runoff from any landscape irrigation project is possible, the City believes that these incidental occurrences, for both potable and recycled water irrigation, should continue to be covered under the Municipal Separate Storm Sewer System (MS4) permits. Even with coverage under MS4, the goal of the implementing the BMPs is still zero runoff incidents.

In general, the accumulation of salts in the soil and groundwater is recognized as a potential concern regarding the use of recycled water. The issue of salt buildup, as it pertains to landscape irrigation projects, would be minimized by the implementation of appropriate irrigation water application and conservation practices (BMP's). The implementation of BMPs to address this potential concern will reinforce the State Board's own Finding No.: 13 in the draft of the Recycled Water Policy (September 2007), that "these projects (landscape irrigation projects using recycled water) generally pose a threat to water quality similar to landscape irrigation projects using surface water or groundwater.

On a larger scale, the City believes that the salt issue should be addressed with a basin-wide approach. The development of regional salt management plans is the most comprehensive method to address the potential buildup of salts. Implementation of the salt management plan should address the potential concerns of salt buildup.

The issue of constituents of emerging concern (CECs) will be ongoing as new information is obtained and addressed by CDPH in coordination with the State Board. It is recommended that an expert panel be seated to advise State and local agencies on the issue of CECs and to assist in developing the appropriate course of action as they relate to landscape irrigation. The City of Los Angeles, in order to preserve public health, is committed to working with the State regarding CECs and will participate in the development of appropriate standards. To reduce the source of CECs in the environment, a focused statewide public education program on how to properly dispose of household chemicals and pharmaceuticals should be developed. In fact, there is a statewide "No Drugs Down the Drain" campaign to educate the public on the proper disposal of pharmaceuticals. More statewide educational programs will need to be developed to educate the public on the proper disposal of all household chemicals.

For the purposes of this Permit, "Anti-Degradation" should be considered in a region wide context. Application of recycled water for landscape irrigation produced by using the best practicable treatment to meet permit requirements, in conjunction with the implementation of appropriate water conservation BMP's provide the maximum benefit to the State.

It has been stated that a small level of degradation may be allowed if it is consistent with maximum benefit to the people of the State (ref: comments Heal the Bay (10.26.07); State Board Res. No. 68-16).

### ***Agency Coordination***

As water reuse is an essential part of an overall program to manage local water resources, agency coordination is of utmost importance in the State-wide development of any program. The State Board should consider the comments received from the Regional Water Boards and other water agencies in the context of highest water quality consistent with maximum benefit to the people of the State. The use of recycled water for landscape irrigation purposes has enormous environmental and economic benefits for all communities and has proven to be a safe and sound application method, which enhances natural resources, and helps save and secure a precious and scarce water supply.

The Memorandum of Agreement (MOA) has established an appropriate framework for coordinating the responsibilities of the CDPH and the State Board. The permit holder should establish and enforce the rules and regulations for recycled water using the design and construction of the recycled water facilities in accordance with CDPH rules criteria. The permit holder will submit documentation of proper installation of the Title 22 mandated criteria to CDPH for approval.

Agency coordination regarding the uses of recycled water has been an ongoing effort by the State. The formation of the 2002 Recycled Water Task Force is evidence of this. The State Board's scoping document asked which recommendations made by the Task Force should the Permit implement and how. The following Task Force recommendations should be implemented by the Permit:

1. The use of recycled water should be fully protective of public health and safety.
2. Implement a uniform interpretation of State recycled water standards.
3. Implement BMPs that under normal environmental conditions would minimize runoff and would allow the discharge of incidental runoff without harm to the environment. (discharges of irrigation runoff are covered under the MS4 permits.)

### ***Existing Recycled Water Use Authorizations***

The Permit should address projects that are currently operating under existing permits by allowing existing permit holders the option to continue with their existing permit(s) or to apply for a new Permit. Projects eligible for coverage under the new Permit would not be required to become subject or remain subject to individual Waste Discharge Requirements (WDRs) or Water Recycling Requirements (WRRs) (AB 1481-13552.5(e)(1)). Once the purveyor files the NOI for coverage under the new Permit, the new Permit would supersede current WRRs and WDRs for recycled water landscape irrigation projects. In such cases, the new permit would be the only permit needed for the application of recycled water for these projects. The purveyor's previous WRRs

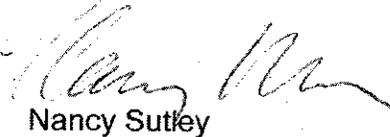
and WDRs should then be rescinded under a separate order, once the new Permit is issued to an agency.

**Fees**

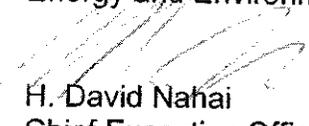
The fee to reimburse the cost incurred to implement, develop and administer the Permit should be proportional to the recycled water used for landscape irrigation purposes. The permit fee should be based upon the annual amount of the recycled water applied by each individual permittee not to exceed \$ 5,000.00, the same maximum set for the statewide WDRs for collection systems.

If you have any questions regarding this comment letter, please contact Katherine Rubin, Manager of Waste Water Quality & Compliance, Los Angeles Department of Water & Power at (213) 367-0436 or Gus Dembegiotes, Regulatory Affairs Division, Bureau of Sanitation at (310) 648-5493.

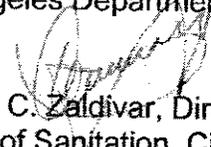
Sincerely,



Nancy Sutley  
Deputy Mayor, City of Los Angeles  
Energy and Environment



H. David Nahai  
Chief Executive Officer and General Manager  
Los Angeles Department of Water & Power



Enrique C. Zaldivar, Director  
Bureau of Sanitation, City of Los Angeles

cc: Tam M. Doduc; Chair, State Water Resources Control Board (State Board)  
Gary Wolff; State Board  
Fran Spivey-Weber; State Board  
Dominic Gregorio; State Board