



THE CITY OF SAN DIEGO

October 9, 2012

Electronic Submission: commentletters@waterboards.ca.gov

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



Dear Chair Hoppin and Members of the Board:

Subject: Comment Letter – Amendment to the Recycled Water Policy

The City of San Diego, Public Utilities Department (City) is pleased to provide the State Water Resources Control Board (State Water Board) with comments on the *revised* version of the proposed amendments to the Recycled Water Policy. We would also like to thank staff for addressing the comments in our July 3, 2012 comment letter on the initial draft of the policy.

In June 2011, the City began operating and testing a one million gallon per day demonstration-scale facility to examine the feasibility of using advanced water treatment technology on recycled water to augment supplies in a local reservoir. If successful, a future full-scale facility could ultimately reduce our region's demand for imported water and become the first indirect potable reuse/reservoir augmentation project in California. The City continues to work with the California Department of Public Health (CDPH) and the San Diego Regional Water Quality Control Board to ensure citizens' public and environmental health will not be compromised with any planned indirect potable reuse/reservoir augmentation project. We expect the valuable information gained from this demonstration project will help make similar projects a reality statewide. In addition, throughout this project we have become acutely aware of the intrinsic value and need for collaboration between CDPH and the State Water Board on policy decisions affecting water reuse in the future.

As stated in previous correspondence, we support the draft amendments to the Recycled Water Policy. However, this revised policy distributed on September 9th, 2012 included some new language in response to stakeholder comments that does not correctly address the issues stated. Primarily, we found that the *revised* language improperly applies future policy making decision responsibilities when it comes to selecting monitoring requirements for Constituents of Emerging Concern (CECs). We respectfully provide some brief comments on these revisions as follows:



Public Utilities Department

600 B Street, Suite 600, MS 906 • San Diego, CA 92101

Tel (619) 533-7595 Fax (619) 533-5325

1. **CEC Selection and Monitoring Requirements for Alternative Treatment Processes**
(Attachment A, Section 1, paragraph 4)

This policy appears to give the Regional Board the lead decision in the selection of which CECs to monitor for when it comes to alternative treatment processes. CDPH is the department ultimately responsible for the approval of design and treatment technologies in Groundwater Recharge Reuse Projects and better suited to assess the performance of any alternative treatment processes. CDPH has invaluable subject matter expertise regarding health protection and removal efficiencies for drinking water projects. Most importantly, this policy should be aligned with CDPH's recent *Draft Regulations for Groundwater Replenishment with Recycled Water* which has a clear process for assessing alternative treatment technologies (see Section 60320.130. Alternatives). To obtain approval for an alternative, the project sponsor must demonstrate that the alternative provides the same level of public health protection. If required by CDPH or Regional Board, the project sponsor must conduct a public hearing; and unless otherwise specified by CDPH, an expert panel must review the alternative. The City requests the following change to Attachment A, Section 1, paragraph 4, second sentence:

“CEC monitoring requirements for groundwater recharge reuse projects implementing treatment processes that provide control of CECs by processes other than soil aquifer treatment or RO/AOPs shall be established on a case-by-case basis by the Regional Water Boards per written recommendation from ~~in consultation with~~ CDPH.”

2. **Salt Nutrient Management Plans Requiring Additional Monitoring Requirements**

The newly *revised* language in Attachment A, Section 1.1 allows for a Salt Nutrient Management Plan for Regional Water Boards to impose additional CEC monitoring requirements beyond what is specified in Attachment A in the future. This is inappropriate because (1) Salt and Nutrient Management Plans are not implemented in most Basins yet and are currently being developed, and (2) establishing regulatory requirements should not be left up to a voluntary stakeholder driven process.

Moreover, we are concerned that this could reverse the State Water Board's stated intent to implement the recommendations made by the Scientific Advisory Panel in the June 2010 Report; *Monitoring Strategies for Chemicals of Emerging Concern (CECs) in Recycled Water – Recommendations of a Scientific Advisory Panel*. The State Water Board has effectively modeled these draft amendments to closely reflect the recommendations of the panel. However, the panel did not address Salt Nutrient Management Plans in their recommendations and therefore, this is incongruous with the rest of the policy. We request the following change to Attachment A, Section 1.1:

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“The Regional Water Boards shall not issue requirements for monitoring of additional CECs, beyond the requirements provided in this Policy, except when:

- recommended by CDPH; or
- requested by the project proponent; ~~or~~
- ~~required by an adopted regional salt and nutrient management plan.~~

We commend the State Water Board for making this effort to provide useful guidance on monitoring requirements for Constituents of Emerging Concern. Specifically, we find it encouraging that the policy leans on consistent consultation with CDPH to ensure protection of human and environmental health. We welcome the promotion of interagency discussion and knowledge sharing in policy making decisions as it translates to an efficient use of resources for stakeholders and regulators. If you have questions regarding the City’s comments please contact Peter Martin, Jr. at (619) 533-4157 or PDMartin@sandiego.gov.

Sincerely,



Marsi A. Steirer
Deputy Director

PM/cc