



Dedicated to Preserving the Napa River for Generations to Come

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12/4/07 Bd. Mtg.
Water Recycling Policy
Deadline: 10/26/07 Noon

October 26, 2007

BY EMAIL: commentletters@waterboards.ca.gov , AND FAX: (916) 341-5621

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

SUBJECT: Draft Water Recycling Policy



Dear Ms. Townsend,

The Napa Sanitation District (District) appreciates the opportunity to comment on the State Water Resources Control Board's Draft Water Recycling Policy. The District currently delivers approximately 2,100 acre feet of recycled water for unrestricted use to local vineyards, industrial parks, a cemetery, a community college, and multiple golf courses. In addition, the District has been actively planning to expand its recycled water program because there is considerable additional irrigation demand in the region.

The District understands the desire to have statewide approach to recycled water policy. However, the District is concerned that in several instances, language included in the Policy is prohibitive, and *discourages*, rather than supports, the use of recycled water throughout the State. The current draft policy would certainly be problematic for the District's existing and anticipated recycling programs. Specific comments are indicated in the following paragraphs.

- 1. The 300 mg/L increment for TDS above source water for irrigation projects will reduce existing recycled water programs and significantly curtail expansion of recycled water delivery and use in the future.**

The District understands the need for salt management in certain parts of the State; however, the 300 mg/L increment for TDS above source water for irrigation will not facilitate recycled water use in many regions where salts are not an issue. The City of Napa's 2006 Drinking Water Quality Report indicates an annual average TDS level of 170 mg/L. The average TDS concentration in recycled water produced by the District for the summer of 2006 was 600 mg/L. The difference is 430 mg/L, significantly above the value of 300 mg/L. A numeric limit for TDS such as what is being proposed would result in reducing recycled water delivery because additional treatment at the District's water recycling facility would be required to meet this goal. Further, it would cripple plans for future recycled water delivery that have been years in the making. And, it is completely

Ms. Jeanine Townsend
October 26, 2007
Page 2

unnecessary. Further, water softeners are not in widespread use in the District's service area, and the service area is primarily residential and light commercial, so source control of TDS would not be an effective means for controlling TDS in any event. Reverse osmosis, or some other expensive desalination treatment technology, would need to be constructed to meet this threshold.

In addition, it is not clear why the State Water Board is proposing to regulate recycled water so much more heavily than the potable water, or groundwater, water supply. Even the State Water Board acknowledges that the water quality is not that much different.

For all these reasons, any threshold on TDS should either be developed on a regional basis, if needed, or only expressed in a narrative form. We understand that some Regional Water Boards are not allowing recycled water projects because there is concern about threats to groundwater. It seems appropriate that the State Water Board would take a leadership position with those Regional Water Boards rather than mandate a one-size-fits all approach for all.

2. The District objects to holding recycled water users responsible for limiting crop irrigation to specified amounts, and requiring them to implement nutrient management plans.

As indicated in the draft policy, recycled water projects "pose a threat to water quality similar to irrigation projects using surface water or groundwater..." so it is unclear why these additional mandates are needed. This completely new requirement is not warranted in all parts of the state and would pose a significant burden to recycled water users, thereby additionally discouraging recycled water use. Most of our current and future water customers will have a choice on water supply. Adding regulatory requirements on the users of recycled water, while not including those on the use of potable or groundwater supplies, will discourage the use of recycled water.

3. Making recycled water programs subject to the NPDES regulations is not a way to encourage the use of recycled water.

Incidental runoff of recycled water is already being addressed through other regulatory mechanisms. Instead of developing a whole new NDPES permit, the District recommends instead that the State focus on enforcement of existing requirements, such as existing regulations, permits, and policy. As indicated above, most of our current and future water customers will have a choice on water supply. Adding regulatory requirements on the users of recycled water, while not including those on the use of potable or groundwater supplies, will discourage the use of recycled water.

Ms. Jeanine Townsend
October 26, 2007
Page 3

4. A financial means test for potential groundwater impact liabilities will present a significant obstacle to developing recycled water programs.

With the very numerous regulatory actions that happen every year in California, very few, if any, permitted entities, be they government agencies or industries, are required to pass a test of financial fitness for as-yet undefined liabilities for potentially unforeseen impacts from the action that is being permitted. The District cannot accept liability for unknown future conditions, and if this approach were mandated, the District would stop the delivery of recycled water and commence discharge of treated wastewater to the Napa River year-round. We would no longer be able to limit our discharge to the Napa River seasonally (as required by the current NPDES permit). The NPDES permit for river discharge would have to be changed to allow river discharge during the dry season. The District simply cannot accept all unknown liability.

If the State Water Board is truly trying to *encourage* the delivery of recycled water, a more supportive approach would be to express a commitment to the expansion of financial support programs for recycled water programs, rather than including language in the Policy that has the potential to prevent communities from developing recycled water programs because of their financial status.

5. These significant and costly new requirements are inappropriate for agencies that are prohibited from discharging to surface waters on a seasonal basis.

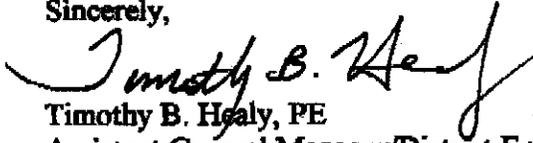
The District finds itself potentially stuck between two prohibitions. The District is prohibited from discharging to the Napa River from May 1 to October 31 (and therefore recycles its treated wastewater during that period), and if the draft recycled water policy with costly new regulatory mandates were promulgated, the District would be unable to deliver recycled water without significant new expenditures. The District just raised its sewer rates to proactively manage its aging infrastructure. The rate increase was a controversial process, in part because it will result in annual increases for several years. The District is not in a position to fund additional mandates for recycled water delivery, especially those that are not useful locally. The District respectfully trusts that the State Water Board staff did not intend to put agencies in this predicament. The unfunded mandates must be eliminated from the policy for the District to be able to support it.

As indicated in the policy findings, the State Water Board's charge from the legislature is to encourage the development of recycled water facilities so that recycled water may be made available to help meet the growing water requirements of the State. The District supports this view, and urges the State Water Board to think more creatively about encouraging recycled water use, rather than discouraging its use -- a very prominent aspect of the current draft water recycling policy.

Ms. Jeanine Townsend
October 26, 2007
Page 4

Thank you for the opportunity to provide comments on this important topic. If you have any questions or would like additional information, please feel free to contact me at (707) 258-6000 ext. 508, or thealy@napasan.com.

Sincerely,



Timothy B. Healy, PE
Assistant General Manager/District Engineer

cc: Napa Sanitation District Board of Directors
Monica Oakley, Oakley Water Strategies

Fax Call Report

1

SWRCB
916-341-5621
2007-Oct-26 10:29 AM

Job	Date/Time	Type	Identification	Duration	Pages	Result
769	2007-Oct-26 10:27 AM	Receive	707 258 6048	0:49	4	Success
	10/26/2007 10:37 FAX	707 258 8048	NAPA SANITATION DISTRICT		001/004	



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