



Bay Area Clean Water Agencies

Leading the Way to Protect Our Bay

A Joint Powers Public Agency

P.O. Box 24055, MS 702

Oakland, California 94623

October 26, 2007

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

Subject: Comment Letter – Water Recycling Policy

Dear Chair Doduc and Members of the Board:

The Bay Area Clean Water Agencies (BACWA) is a public Joint Powers Authority of 54 public utilities in the San Francisco Bay Area. We applaud the State Water Board for its leadership in undertaking this policy and offer our comments in the spirit of assisting the Board in achieving its goals to facilitate recycled water use.

BACWA has long been a proponent of recycled water. In 1994, BACWA facilitated the first phase of the San Francisco Bay Regional Water Recycling Project which was authorized under Title XVI. This feasibility analysis continued into Phase II which was concluded in 1999 under the umbrella of BACWA. The Regional feasibility study showed that recycled water is important to our regional environment and economy and can be cost effective.

In May of 2007, BACWA released an issue paper entitled, "*The Importance of Recycled Water to the San Francisco Bay Area*" The less than 50 page paper put into our local context the latest information about recycled water.

BACWA has also entered into a cooperative agreement with the national WaterRuse Foundation in order to "Facilitate Partnerships for Water Recycling". Our first step is a workshop next Monday, October 29, 2007.

BACWA shares your appreciation for the importance of recycled water and we applaud your efforts to update Board policy to keep pace with our need for this resource. As noted by the Task Force, it is essential that the State Board take steps to ensure that our state-wide goals are reflected in the actions of the nine regional boards, and from that perspective the current draft policy is a big step in the right direction.

In general, we support the comments made by WateRuse, specifically that:

- Recycled water is a valuable resource for California; one that we must develop for the benefit of our water environment and our quality of life;
- The State and Regional Water Boards must consistently view water recycling as a valuable resource rather than a waste discharge. Water should be judged not by its history, but by its quality.
- The Policy does not need to include a provision associated with groundwater contamination.
- The financial assurances provision of the draft policy is unnecessary and should be removed.
- NPDES Permits for incidental runoff of recycled water is an unnecessary and duplicative regulatory effort that will place an additional permitting burden on water recyclers, when such a burden is not placed on other sources of irrigation water.

You will receive comments from individual BACWA members that will detail support, proposed changes and concerns about the policy. In addition to the bullets listed above in this letter, BACWA is very concerned about the proposed TDS standard.

The Proposed Numerical TDS “Limit” for Irrigation Must be Deleted if the Goals of the Policy are to be Realized.

BACWA supports the State Water Board’s general approach in the proposed Policy to the regulation of salts and nutrients in wastewater. We appreciate the emphasis on basin-wide planning and understand that the establishment of a numerical “backstop” appears to be a way to ensure that projects move quickly through the approval process. The establishment of any numerical “performance” for TDS, however, is problematic. We know that in the Bay Area that we have projects in Novato, Sunnyvale, Palo Alto and other cities which cannot meet the numerical level you have proposed. These projects have already been approved and are not in any way a threat to any groundwater basins.

We had considered offering a higher number for this “performance” basis and we concluded that a narrative approach is much preferred. Perhaps we do not have the same concerns about projects being delayed and disapproved as other Regions may. We have not experienced an analysis paralysis or misplaced caution that we have witnessed in other Regions. We have however experienced attention to numbers to the exclusion of common sense.

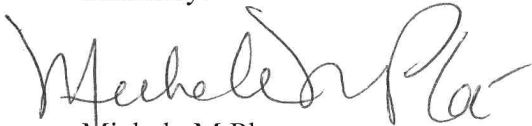
Our major concern is that if a number is set in a Statewide policy we will find that there will be pressure to lower and lower this number with each project. The number will be the issue rather than the development of a safe water resource. The number will be the issue rather than the risk and potential for incidental recharge. The number will be the issue rather than any of the other benefits of a recycled water project. If the number is

low then our concern is magnified as the number will clearly inhibit desirable and beneficial projects. If the number is higher, it will be questioned. We recommend a narrative approach rather than a numerical approach.

A narrative approach based on a salt management plan or groundwater protection level, will allow us to understand potential risk and optimize water recycling. If the recycled water quality complies with an applicable numeric groundwater quality objective for TDS, a project should be approved without further requirements or precautions. If the recycled water quality does not comply or there is not any applicable numeric groundwater quality objective, it may be appropriate in some regions for the project proponent to conduct a salt balance analysis to determine if there is an unacceptable risk to the groundwater.

In closing, we wish to emphasize our appreciation for the State Water Board's commitment to the State's water recycling goals, and to express our support for the overall tenor and approach set forth in the Policy.

Sincerely:

A handwritten signature in black ink, appearing to read "Michele M Pla". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michele M Pla
Executive Director

Cc: Roberta Larson
BACWA Principals
Paula Kehoe, BACWA Recycled Water Committee Chair