December 13, 2019

Sent via electronic-mail to: COPCpublic@resources.ca.gov

Wade Crowfoot, Secretary for Natural Resources
Chair, California Ocean Protection Council
California Natural Resources Agency1416 Ninth Street, Suite 1311
Sacramento, CA 95814

SUBJECT: **Comments on Strategic Plan to Protect California's Coast and Ocean 2020-2025**

Dear Chair Crowfoot and Members of the Council,

On behalf of the water and wastewater community in California, the undersigned trade associations write to provide comments on the proposed Strategic Plan to Protect California's Coast and Ocean 2020-2025. Our coalition represents over 500 public water and wastewater systems in California. Together we provide essential public services in nearly every community in the state including the delivery of clean safe drinking water, treatment and distribution of drought resilient recycled water, and protection of the environment and public health through effective wastewater treatment. Our associations promote sustainability with a focus on advocacy, education and leadership.

Our coalition shares the OPC's commitment to ocean protection and increasing recycled water use in California. We worked with OPC staff to develop legislation guiding the OPC's development, adoption and implementation of a Statewide Microplastics Strategy. (SB 1263-Portantino, Chapter 609, Statutes of 2018), which is reflected in Goal 3.4.4. Additionally, we advocated for and supported AB 888 by Assemblymember Richard Bloom (Chapter 594, Statutes of 2015) which prohibited the use of plastic microbeads in personal care products like face wash, soap and toothpaste after January 1, 2020.

We value our partnerships with OPC and look forward to our continued collaboration to advance the health of our oceans.

In the recently released draft Strategic Plan to Protect California's Coast and Ocean 2020-2025, there were several new objectives, including one that is very problematic and concerning for wastewater treatment plants that discharge into the Pacific Ocean in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) permitting program.

> Objective 1.2.3: Establish a target date for phasing out coastal sewage discharge into the ocean by 2022. Work with partners to achieve 80-100% coastal wastewater recycling by 2040.

Our comments below detail our concerns with the goal as proposed and offer suggested revisions for the Council's consideration.

Important Scientific Study Relevant to Proposed Objective 1.2.3 is Still Evolving

The proposed coastal sewage discharge phase-out, which we presume is meant to encompass all discharges of treated wastewater effluent, is included in the section of the plan dealing with ocean acidification and hypoxia (OAH). Including this goal under the larger objective of addressing ocean acidification and hypoxia would pre-suppose the outcome of ongoing research to evaluate the causes of ocean acidification and hypoxia. The potential impact from discharges of nitrates and remediation is a complicated and nuanced issue which is the subject of a significant amount of current research. In addition, many technological advances are being explored relative to management options. At this point, the best available science is not yet capable of quantifying the amount of OAH attributable to potential sources, which is why OPC's very own 10-year Ocean Acidification Plan (published in 2018) acknowledges the necessity to evaluate multiple anthropogenic and natural factors in order to develop effective solutions. To date, preliminary modeling results have generated hypotheses on potential causes that warrant closer evaluation and validation of biological and geochemical plausibility. These efforts should be infused with additional technical and financial assistance instead of being usurped by presumptive initiatives that redirect limited resources from critical wastewater infrastructures that have a demonstrated record of protecting public health and the environment.

Furthermore, a simplistic "eliminate discharges" goal does not account for other technical realities of wastewater management. Simply decreasing the volume of water being discharged into the ocean does not directly correlate with smaller concentrations of nutrients. As brine management is a necessary component of all wastewater treatment, those concentrations do not necessarily change because a higher volume of water is being recycled. Furthermore, technological advances in nutrient management make treatment technologies a viable, albeit expensive, option for nutrient management in places where demand for large volumes of recycled water is limited.

All of these technical considerations are being researched and evaluated by both the State Water Resources Control Board and regional water quality control boards. For example, in the Bay Area and also in Southern California, large scale scientific studies and management plans for nutrients, including the need for nitrification/denitrification, are currently being employed in conjunction with regional water boards. The regional boards have the authority to require wastewater agencies to comply with water quality requirements and can impose requirements for planning and implementation of processes to decrease nitrogen loadings in receiving waters where appropriate. In fact, the San Francisco Bay Regional Water Quality Control Board has already adopted a second watershed permit that lays out a comprehensive plan for studying and addressing nutrients in the region. Under this permit, the 37 public wastewater agencies that discharge to the San Francisco Bay participate in and contribute funding to ongoing research to support future management decisions.

This objective is also a dramatic deviation from the other two goals in this section, which appropriately focus on science and strategy development, and is inconsistent with OPC's 2018 10-year Ocean Acidification Plan. Goal 1.2.1 calls for scientific guidance to the State Water Resources Control Board to inform new standards that minimize biological and chemical impacts including ocean acidification, hypoxia and harmful algal blooms, and Goal 1.2.4 calls for implementation of California's Ocean Acidification Action Plan by 2023. The 2018 OPC 10-year Ocean Acidification Plan includes 5 and 10-year measures of progress and a statewide OAH vulnerability analysis, which is currently underway. In contrast, despite the acknowledgement that the science is still developing and that there are multiple factors affecting ocean acidification, Goal 1.2.3 leaps ahead to presume that elimination of permitted coastal wastewater discharges – all of which are already regulated under the Clean Water Act – is the sole solution to dealing with OAH.

For these reasons, we recommend that the Council delete Goal 1.2.3 and instead focus on collaborating with the State and regional water boards to ensure permitted discharges of nutrients are based on the best available science to protect ocean health.

Any OPC Goal to Address Coastal Discharges Should be Consistent with the Water Board's Recycled Water Policy

We believe that the State Water Resources Control Board's Recycled Water Policy adequately addresses the state's goal of beneficially reusing wastewater that can viably be recycled. However, if the OPC believes its already ambitious plan must also include a goal to reduce ocean discharges, we urge the Council to reframe the goal as a water recycling objective consistent with existing state policy. The only way to reduce discharges (as discussed further below, elimination of wastewater discharges to the ocean is neither reasonable nor feasible) is to greatly increase water recycling. The water generated by millions of Californians will not simply disappear, and major variations in the way water is distributed in California pose substantial supply and management considerations for nearly every coastal area that would be impacted by this objective. In addition, it is not helpful to have two state agencies with key roles in ocean protection adopt different and conflicting goals. Therefore, if the Council decides to retain some form of a goal for coastal discharge reduction, we recommend it include a reference to the goal already adopted by the Water Board after extensive stakeholder comment and agreement, and move the goal to from the section on OAH to Objective 1.1 dealing with climate resiliency.

The State Water Board's recently adopted Recycled Water Policy includes the following goal:

> "Reuse *all dry weather direct discharges* of treated wastewater to enclosed bays, estuaries and coastal lagoons, and ocean waters *that can be viably put to a beneficial use*. For the purpose of this goal, treated wastewater does not include discharges necessary to maintain beneficial uses and brine discharges from recycled water facilities or desalination facilities. (Emphasis added.)

Major Regulatory, Funding and Practical Realities Stand in the Way of an 80 to 100 Percent Reduction in Discharges

We appreciate that the plan acknowledges the need to engage with the Water Board to develop a plan to achieve the proposed discharge elimination goal. There are numerous other public agencies and stakeholders who must also be at the table in any plan development process. As of today, the regulatory framework necessary for agencies to plan and implement projects to manage the massive volumes of water contemplated in Goal 1.2.3 does not exist. Existing beneficial reuse options are limited and could not be utilized to manage such a vast quantity of water. Instead, many agencies would need to implement large scale potable reuse projects. The State Water Board is charged with developing regulations for Direct Potable Reuse by 2023. Until that regulatory scheme has been developed it will be nearly impossible for agencies to plan for, let alone implement, projects to meet the goal. To put this in perspective, some of the most ambitious recycling projects underway in the state currently have 20 to 30 year project schedules, and when fully operational will still not meet the proposed 80 to 100 percent discharge reduction.

There are also numerous technical realities in the wastewater treatment and management processes that must be considered. Major operational issues exist, including brine management, wet weather influent management, existing regulatory constraints relative to minimum flows, and other real and substantive conflicts with how wastewater agencies function in their communities. These technical issues are vast, far reaching and vary based on the regional watershed and individual permitting levels.

The Proposed Coastal Discharge Restrictions Will Constrain Beneficial Stormwater Diversion Systems

Dry weather and first flush stormwater diversions to sanitary sewer facilities represent an important tool to reduce bacteria from beaches, bays and coastal estuaries. These diversion systems represent a unique and delicate cooperation between stormwater permittees and wastewater agencies to reduce beach closures and improve water quality at beaches, bays, coastal estuaries and more recently inland streams. There is ample water quality data demonstrating the water quality benefits of diverting un-treated urban water runoff with undesirable stormwater constituents to wastewater systems where the water is treated prior to release into the environment. The phasing out of coastal sewage discharges to the ocean will put a very real constraint on stormwater diversion systems and will result in a degradation of coastal water quality in areas where these systems are in use. This result is in direct conflict with the goals of the OPC.

The Proposed Discharge Elimination is in Conflict with Important Public Policies

Some of California's most ambitious policy goals may be in conflict with Goal 1.2.3. For example, California is a leader on climate change mitigation and adaptation and has taken several steps in recent years to curb emissions and transition to a more sustainable future. Requiring all coastal areas to severely curtail discharges could adversely impact those efforts by increasing the emissions associated with advanced wastewater treatment and the associated energy demand required to move the high volumes of water over or across a variety of geographical settings.

California is simultaneously pursuing policies to make living more affordable for all residents of the state. Unfortunately, achievement of the goal to severely reduce ocean discharges would require massive infrastructure development and rate increases for a significant portion of the state's population, including some of the most disadvantaged communities in California. The rate implications would likely have a trickle-down effect of impacting housing affordability as well, as connection fees and ongoing rates would necessarily increase living expenses and the cost of new development in impacted areas.

Finally, as California grapples with how to provide safe, affordable, clean drinking water for all, we need to be cautious of a singular focus on coastal discharges that would create additional strain on the limited resources available to fund clean water projects. To the extent that coastal agencies seeking to meet this goal would be expected to apply for and absorb the limited existing grant and loan opportunities available to them, this would inevitably draw funds away from numerous inland areas (such as the Central Valley) where there are so many urgent drinking water and clean water priorities in need of funding.

Thank you for your consideration of our comments.

Sincerely,

Roberta L Larson

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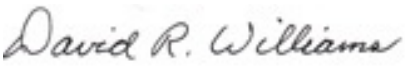

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