



Established in 1918 as a public agency

Coachella Valley Water District

(6/7/16) Public Hearing
General Order for Recycled Water Use
Deadline: 5/13/16 by 12:00 noon

Directors:

John P. Powell, Jr., President - Div. 3
Peter Nelson, Vice President - Div. 4
G. Patrick O'Dowd - Div. 1
Ed Pack - Div. 2
Cástulo R. Estrada - Div. 5

Officers:

Jim Barrett, General Manager
Julia Fernandez, Board Secretary

Best Best & Krieger LLP, Attorneys

May 6, 2016

File: 0022.114.28

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



Dear Ms. Townsend:

Subject: Comment Letter – General Order for Recycled Water Use

The Coachella Valley Water District (CVWD) appreciates the opportunity to comment on the proposed revisions to the subject general order for recycled water use (Order). CVWD provides domestic water, wastewater, recycled water, irrigation/drainage and regional stormwater protection services to a population of about 300,000 throughout the Coachella Valley in Southern California. CVWD and the Desert Water Agency have taken a lead role in groundwater management in the Coachella Valley by importing surface water for groundwater replenishment, encouraging water conservation and developing in-lieu groundwater recharge projects that depend on alternative non-potable water supplies that include effective use of recycled water.

The recently proposed change to Finding 34 of the Order would terminate all existing Regional Water Board general orders or conditional waivers for non-potable uses of recycled water within three years of adoption of the subject Order. As stated in Finding 34, the State Water Resources Control Board (SWRCB) believes this change is needed to provide consistent regulation of non-potable uses of recycled water statewide. CVWD requests the SWRCB delete the proposed change to Finding 34 of the subject Order because it directly counters recent State regulations designed to reduce urban water demands and encourage greater use of recycled water.

Proposed Finding 34 Reduces Regulatory Flexibility Needed to Encourage Recycled Water Use. CVWD does not believe there is a need to have identical regulatory programs statewide managing recycled water uses and this was not the reason that the subject Order was developed. Instead, the subject Order was a product of the Recycled Water Policy to provide an alternative option to Regional Water Board permitting that provides greater regulatory flexibility to encourage the use of recycled water statewide. The objective of developing a statewide general order for recycled water use was certainly not to reduce the regulatory options available to entities wishing to develop new or expand existing recycled water use programs. The proposed change to Finding 34 would eliminate Regional Water Board general orders that have provided agencies like CVWD regulatory programs tailored to local recycled water use conditions and truly encourage the safe use of recycled water in California. This proposed change would act to significantly discourage recycled water use in the Coachella Valley at a time when CVWD is taking significant steps to encourage water conservation and expand recycled water use – actions that are consistent with the recent State drought mandates and groundwater management regulations.

Proposed Finding 34 Discourages Coachella Valley Recycled Water Programs. CVWD has provided recycled water to users in the Coachella Valley since 1968. The Colorado River Basin Regional Water Quality Control Board (RWQCB) has effectively managed this reuse program with the first recycled water general order in the state. Large recycled water programs including those managed by CVWD and the Desert Water Agency have been successful because the local RWQCB general order provides a streamlined permitting process that recycled water users can successfully execute and manage. Having a local general order for recycled water use that is reasonable for users to implement is important in the Coachella Valley where readily available groundwater represents an inexpensive and simple water supply that does not require the additional infrastructure and requirements needed to use recycled water. Replacing the local RWQCB general order with the more onerous and costly subject Order is a recipe for discouraging the use of recycled water that could reverse the gains made in recent years to promote this in-lieu groundwater replenishment program.

Proposed Finding 34 Eliminates Use-Tailored Requirements that Support Reuse. In the Coachella Valley, recycled water use is limited to irrigation of large landscape reuse areas using long-proven use practices that protect public health and the beneficial uses of local water supplies. CVWD's customer base primarily consists of a growing number of connections to the 105 golf courses within our service area. The Coachella Valley's continued existence and economic durability is reliant on tourism. Golf courses are a \$1.1 billion dollar industry for the valley. CVWD does not serve a wide variety of recycled water customers, as in other areas of California. The proposed Order is not tailored for the type of coverage as is the local RWQCB general order which is specific for golf course and landscape irrigation. CVWD does not provide recycled water for toilet flushing, snow making, recreational lakes or other types of uses that may justify more onerous management activities found in the proposed Order. Users receiving recycled water from CVWD are using recycled water for golf course and landscape irrigation only.

The RWQCB general order is specific to and appropriate for golf course and landscape irrigation for the use of recycled water. It considers a golf course's irrigation needs as a business and sets the requirements to be met by that industry. The user is responsible for their use of recycled water, which is the source of irrigation water for the turfgrass. The stability, aesthetics, and growth of turfgrass on a golf course are the keys to the golf course's success as a business. CVWD believes the best way to support and encourage recycled water use is to avoid duplicative and excessive administration that interferes with the business of a golf course.

Golf course Superintendents have college degrees for turfgrass management and obtain continuing education units and attend seminars and classes for proper turfgrass maintenance, in order to obtain and keep a job at a successful golf course. CVWD does not feel that it is appropriate to interfere with the operation and success of a business, as would be required in the proposed Order, by adding excessive administrative requirements that do not act to improve water quality. The RWQCB general order allows the user to remain accountable for the use of recycled water within their reuse area.

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Proposed Finding 34 Increases Monitoring and Reporting without Improving Water Quality.

Eliminating the RWQCB general order for recycled water use will significantly increase monitoring and reporting activities for administrative functions that do not benefit water quality. For example, the large recycled water use systems used in the Coachella Valley mostly depend on pond systems that are well maintained and have automated water level controls so the increased monitoring frequency and expanded list of monitored parameters adds administrative burden with no corresponding benefit. These local pond systems have not impaired any state waters or been the source of any adverse public health effects. Provisions in the existing RWQCB general order already provide sufficient management and controls that have served to protect public health and the beneficial use of local water supplies.

Proposed Finding 34 Could Delay or Stop Beneficial Recycled Water Use. Some Coachella Valley reuse sites were receiving recycled water long before any Title 22 Engineering Reports were required. The proposed Order is vague enough that some may interpret the requirements to require engineering reports for existing reuse areas where plans and specifications of systems installed decades ago may be cost prohibitive to produce. The impact of shutting down even one recycled water use project with a successful history of reuse would result in significant stranded assets for this user and send a discouraging message to potential future users who already fear the uncertainty that comes with any state regulatory program. The difficult job of getting large groundwater pumpers to invest in the infrastructure and manpower to switch to recycled water would become much harder.

CVWD believes the problems with the proposed Finding 34 is an excellent example of why the Porter Cologne Act established a system of Regional Water Board's that provides the regulatory flexibility to tailor water quality management activities to regional conditions. Forcing entities to use a statewide general order that is not tailored to local water supply and reuse conditions does not help encourage recycled water use. Replacing Regional General Orders that encourage recycled water use with a statewide "one-size-fit-all" approach that will discourage recycled water in the Coachella Valley would be a mistake. The regulatory consistency that the SWRCB is advocating in Finding 34 does not justify eliminating a regulatory tool that Regional Water Boards have used effectively to increase recycled water use in California while protecting public health and the beneficial uses of state waters.

If you have any questions, please call me at extension 2286.

Sincerely,



Steve Bigley
Director of Environmental Services

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