



THE CITY OF SAN DIEGO



February 22, 2016

SENT VIA ELECTRONIC MAIL: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Reference: Comment Letter – Proposed General Order for Recycled Water Use

Dear Ms. Townsend:

Thank you for the opportunity to provide comments related to the proposed Draft General Order for Recycled Water Use (Draft Order). The City of San Diego currently operates a robust recycled water system for users throughout the City's service area, and we are proud of our extensive history and exemplary record of protecting public health while maximizing beneficial reuse in the community.

The City shares the concerns expressed by the San Diego County Water Authority as well as WaterReuse California in their respective comment letters for this Draft Order, and we offer the following comments:

***Expansion of Duties to State Board***

Throughout the Order there are instances in which functions previously allocated to Regional Water Quality Control Boards may now also be performed by the State Board. The City of San Diego enjoys a very positive and effective working relationship with the San Diego Regional Water Quality Control Board (Regional Board), and looks forward to continuing that relationship going forward. The City requests clarification as to why the State Board is increasing involvement with processes that are currently addressed expeditiously at the local level.

***Page 13, Item 31(f)***

This finding addresses “[c]onstituents associated with recycled water that have the potential to degrade groundwater”, and new language adds a section (f) detailing endocrine-disrupting chemicals (EDCs). The final sentence of the paragraph states that blending irrigation water with recycled water will reduce perchlorate concentrations in the recycled water and will be “unlikely to affect beneficial uses or degrade groundwater quality”. There is concern as to

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whether this statement is accurate, and is possibly even misleading. Oftentimes irrigation water contains more contaminants than recycled water, and so itself would benefit from the dilution provided by adding recycled water (the opposite of the situation outlined in the finding). The sentence should be redrafted to clarify that the irrigation water is assumed to have a low threat of impacting water quality or containing a significant pollutant load.

***Page 15, Item 34***

The prior version of the order allowed a discharger to make an election regarding their permit coverage, whereas the proposed Order instead allows the Regional Board to make this decision. This is problematic as it allows the State or Regional Board to request changes in a permittee's program with no triggering event. Instead, the City proposes that the language be revised to state that coverage under an existing order can be maintained until such time as the discharger seeks to make a substantive change in its coverage, at which time the Regional Board could make a determination as to whether coverage could continue under the existing order.

***Page 15, Item 35***

This item establishes 'Users' as a new category of eligible entities (in addition to Producers and Distributors) that may apply for a recycled water use permit under this General Order. It is unclear who might be covered under this new category. The City is supportive of requiring individual users to gain coverage for recycled water discharges under this Order. However, the City requests that additional detail be included explaining potential implementation of user permits with multiple examples and hypothetical case studies.

***Page 17, Item 41***

The City is concerned that the statement in the second-to-last sentence contains a policy statement that on its own is overbroad. It appears that it is meant to be read in conjunction with the last sentence in the paragraph, and the City requests combining the two in order to refine the meaning of the first through the details contained in the second, as follows:

*In order to simplify regulation of recycled water use on agricultural lands and pursuant to Water Code § 13267, Regional Water Boards' Executive Officers may modify the MRP to prevent duplication of monitoring and reporting activities that satisfy the requirements of both orders.*

***Page 20, Item 3***

This section provides both the State and Regional Boards with the discretion to require the Administrator (permittee) to submit an 'Implementation or Operations and Management Plan' (O&M Plan). The plan's requirements are extensive and onerous, and it should not be mandated for all permittees. The City asks that the requirement to submit an O&M Plan only apply if there is a demonstrated need for it, such as evidence of a water quality issue that may be impacted by recycled water discharges authorized under this Order.

***Page 21, Item 3***

It seems unnecessary to require written approvals from the State or Regional Boards for any and all changes made to the Administrator's approved program. In order to limit the number of written approvals required, the City requests the addition of the term 'material' to this provision, as follows:

"The Administrator shall obtain written approvals for any *material* changes to the Administrator's approved program,". (emphasis added)

***Page 24, Item 8***

The City of San Diego appreciates the State Board's Monitoring and Reporting Program guidance with inclusion of a model monitoring program in Attachment B, particularly for entities that do not already have robust monitoring and reporting programs. However, the current language, authorizing modification of current monitoring and reporting programs by the Executive Officer or Director "as necessary", should be revised or clarified. As written, the statement sets an arbitrary standard that does not take into account already-existing robust monitoring and reporting programs, the cost and effort associated with changes to programs, or the jurisdiction-specific and site-specific knowledge that individual agencies have. Ultimately, this may lead to expensive monitoring and reporting program requirements that produce data of limited value. Burdensome monitoring requirements completely outside the control of the permittee will act as a disincentive for recycled water use which may result in limited or discontinued use of recycled water, thereby increasing potable water use. This will reduce both an entity's ability to conserve water as well as the state's ability to reach its water conservation goals. Language should be revised to reflect that the Executive Officer or Director will work with the entity to modify or replace the MRP if the proposed MRP submitted with the Notice of Intent is determined insufficient to appropriately represent and characterize the discharge.

In addition, the City suggests that the reference in the first sentence to the "MRP in Attachment C" be edited to read "Attachment B".

***Page A-3, Item 3***

Reporting of the amount of Nitrogen in fertilizer added to each irrigation site is a burdensome requirement with no justification provided for its inclusion and will likely deter recycled water use. The City currently has limited mechanisms in place to collect accurate data or enforce overuse of fertilizer on lands outside the City's jurisdiction or those covered by the Tentative General Agricultural Order.

***Page B-2, Recycled Water Monitoring – first paragraph***

For clarification of constituents required to be monitored, the City requests that the Clean Water Act reference for priority pollutants (40 CFR Part 423, Appendix A) be added to this section.

***Page D-3***

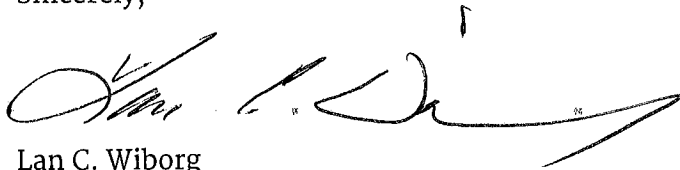
Different permits interpret "monitoring year" in multiple ways (e.g. calendar, fiscal, beginning of the wet season, etc...). The City assumes the intent of this Order is to follow the

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calendar year as the monitoring year, based on reporting deadlines included in the Order. However, the City requests that a definition be added for monitoring year as a clarification.

If you have any questions, please feel free to contact me or Ms. Rachel Davenport, NPDES Coordinator for the City of San Diego's Public Utilities Department, at (619) 758-2370.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lan C. Wiborg', with a long horizontal flourish extending to the right.

Lan C. Wiborg  
Deputy Director, Public Utilities Department

CG/rr