



IRVINE RANCH WATER DISTRICT

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February 22, 2016

The Honorable Felicia Marcus
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: Comment Letters - General Order for Recycled Water Use

Dear Chairwoman Marcus:

Thank you for the opportunity to review and comment on the “Draft Water Reclamation Requirement for Recycled Water Use” (Draft General Order) coming before the State Water Resources Control Board (State Board) on April 19, 2016. The Irvine Ranch Water District (IRWD) appreciates the State Board’s interest in making water recycling projects easier and more attractive for agencies to pursue, and urges the State Board to take actions which ease the administrative burden on water producers, distributors, and users as a means of encouraging greater use of recycled water within the state. ***We request that the State Board, as part of those efforts, restore the language in the 2014 General Order allowing permitted entities the option of choosing to operate under the State Board’s adopted General Order or their existing permits.***

As the State Board has recognized, IRWD has been and continues to be a leader in the area of recycled water. In 2014, the District met more than 27,000 acre-feet, or 28 percent, of our service area’s total water demands with recycled water through a 500-mile recycled water distribution system, which includes four large recycled water reservoirs. We have invested more than \$300 million into our recycled water treatment, storage and distribution systems, and we have more than 5,400 use area sites including homeowners associations, golf courses, agricultural sites, industrial applications and over 60 dual-plumbed buildings. Because of the high level of recycled water use within our boundary and our contribution to regional reuse projects, the District’s average annual reuse percentage is at 81%.

One of the keys to IRWD’s success in the area of recycled water has been the strong working relationship the District has with the Santa Ana Regional Water Quality Control Board. IRWD, like many recycled water providers throughout the state, has worked with its regional board to expand recycled water use throughout its service area. The current permits governing IRWD’s

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recycled water production, distribution, and customers appropriately balances public health, water quality protection, and administrative burdens to encourage recycled water use.

Additionally, the Santa Ana Regional Board has established cooperative regional basin planning workgroups to ensure that the Santa Ana basin is protected and that recycled water use expands. The workgroups' efforts tie directly into the permits issued by the Regional Board. The type of collaborative relationships that exist in the Santa Ana region between the Regional Board and recycled water purveyors should be encouraged and furthered by State Board policy.

As we understand it, the original intent for developing a General Order for recycled water was to create a more streamlined permitting process for recycled water uses. When the General Order was first drafted in 2014, many agencies, including IRWD, expressed concern about the operational aspects of the General Order including the resources required to comply with monitoring and reporting requirements. More importantly, many agencies were satisfied with their current individual permits and wanted to continue to operate under them. In response to those concerns, the State Board allowed agencies that have individual permits to continue to operate under those permits unless they elected to seek coverage under the General Order – the adopted General Order contained an “opt in” approach which read:

“Producers, Distributors, or Users of recycled water covered under existing orders (water recycling requirements, master reclamation permits, general or individual waste discharge requirements, or waivers of waste discharge requirements) for the use of recycled water may elect to either: (i) continue or expand coverage under existing orders or; (ii) apply for coverage under this General Order.”

Based on this “opt in” approach, many agencies, while still concerned about the operational aspects of the General Order, supported the State Board’s action to adopt the General Order because they were comfortable that agencies could still choose what worked best for them and their customers. From our perspective, the low use of the existing General Permit is due in part to the fact that the operational provisions of the General Order require a greater dedication of agency resources to comply with the permit requirements, and require more time and resources from recycled water users without the benefit of allowing for greater use than the existing permits in many regions.

The Draft General Order being considered today proposes to remove the “opt in” approach by providing the Regional Water Quality Control Board the unilateral authority to require agencies to operate under the General Order. (*See Finding 34.*)

An additional issue that relates to the elimination of the “opt in” provision is that for many entities enrollment under the Draft General Order would require them to obtain an additional permit and would not substitute an existing permit. For example, IRWD’s Waste Discharge and Master Reclamation Requirements are issued under an NPDES permit. The requirement to

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enroll under a General Order would just be one more additional regulatory permit with which IRWD must comply. Enrollment under the General Order would not take the place of our NPDES permit and, therefore, would not enact the efficient and streamlined approach that the State Board is seeking.

Furthermore, for many agencies like IRWD, the Draft General Order will increase the cost of administering a recycled water program without resulting in any increased use of recycled water due to its monitoring and reporting requirements. We are concerned that the operational requirements could be a deterrent to some existing and future customers.

Again, we appreciate the intent behind the Draft General Order, which is to streamline the permitting of recycled water uses that are a relatively low threat to water quality. Toward that end, we urge the State Board to keep the current language in the existing General Order restoring the "opt in" provision.

Please do not hesitate to contact me at (949) 453-5590 or our Sacramento advocate, Maureen O'Haren, at (916) 498-1900, if you have questions regarding this measure.

Sincerely,



Paul A. Cook
General Manager