

From: "Steve Bilson" <stevebilson@rewater.com>
To: "Mike McCann" <MMcCann@waterboards.ca.gov>
Date: 7/14/2007 12:06:24 PM
Subject: RE: FW: Greywater waiver

Thank you for your reply.

I am very familiar with the existing scenario where San Diego County DEH assumed and still assumes its pre-Water Code section 14875 et seq and Appendix G of the California Plumbing Code RWQCB waiver for sewage systems applied/applies to greywater irrigation systems, but that 1994 and 1997 state greywater law changed things by giving all greywater irrigation authority to the cities and counties. During the RWQCB's latest waiver consideration, I'd written the RWQCB extensively about how the RWQCB's existing waiver scenario duplicates, conflicts with, and/or contradicts the state greywater law (Water Code 14875 et seq).

During this latest waiver consideration, which I understand you are saying is still open until August 8, 2007, a new greywater waiver scenario was being proposed by the RWQCB, where greywater would be considered greywater and not just another form of sewage, as Water Code section 14875 et seq clearly explains, but where the RWQCB still assumed a role in regulating greywater irrigation, and that role was delegated to the San Diego County DEH. In my same writings during the RWQCB's latest waiver consideration, I'd written the RWQCB extensively about how this proposed new waiver scenario duplicates, conflicts with, and/or contradicts the state greywater law (Water Code 14875 et seq).

My position has not changed at all regarding the existing greywater waiver scenario or the proposed new greywater waiver scenario, and in fact I've sued the County over their (claim of) adherence to the existing scenario. For 8 years, they permitted greywater systems like greywater systems, but in 2005 when they got a new boss who knew nothing about greywater or the law or code, he changed their permitting protocol to that of their sewage protocol, essentially banning greywater systems because nobody is going to pay \$10,000 to exercise the right to reuse their greywater. The state greywater code was written almost exclusively to ban that type of uneducated nonsense.

With the foregoing in mind now, my questions remain. I have added minor clarification to my original two questions in capital letters:

Is the RWQCB's lack of A NEW greywater waiver due to the fact that the 1994 state greywater law, Water Code Section 14875 et seq, AND APPENDIX G OF THE CALIFORNIA PLUMBING CODE gives all greywater permitting authority to the cities and counties because the state law fully occupies the law on the matter, as I'd adamantly pointed out to the RWQCB IN MY PREVIOUS SUBMITTALS DURING THIS WAIVER CONSIDERATION PERIOD?

Or, is that omission an indication that the RWQCB considers greywater something other than what state law considers it, such as sewage, or reclaimed water, and thus the RWQCB is placing a greywater system into one of those waiver categories IN CONFLICT WITH STATE LAW?

I submitted my original writings dated April 4, 2007, on this matter via fax and US mail. They were addressed to John Robertus. They should be

in the record.

Thank you for, and I await, the RWQCB's formal response on this matter.

Steve Bilson

-----Original Message-----

From: Mike McCann [mailto:MMcCann@waterboards.ca.gov]
Sent: Friday, July 13, 2007 4:12 PM
To: stevebilson@rewater.com
Cc: Wayne Chiu
Subject: Re: FW: Greywater waiver

Mr. Bilson,

This is let you know that I have read your email sent on July 9, 2007. I waited until I could talk to Wayne Chiu of our staff regarding your comments about graywater discharges and the current waiver process. The first thing that came to mind reading your email was that you might have written your email before seeing on our website the proposed waiver conditions for graywater discharges. I recommend that you review this information that has been available as of July 6, 2007.

I have asked Wayne to receive your email as submitted comments in the waiver process. The comment period of the process remains open to at least through August 8 at the close of the public hearing. Responses to comments will be developed and distributed following the close of the comment period.

If you have questions, feel free to contact Wayne Chiu at (858)637-5558.

Michael McCann (858)467-2988

>>> "Steve Bilson" <stevebilson@rewater.com> 7/9/2007 3:25 PM >>>
Mr. McCann -

The following is the email I sent to Art, who, as you know, no longer works there. Wow, I thought he was a permanent fixture. Times are a changing I suppose. Anyway, can you please answer these questions in his absence?

Steve Bilson

-----Original Message-----

From: Steve Bilson [mailto:stevebilson@rewater.com]
Sent: Monday, July 09, 2007 12:00 PM
To: 'Art Coe'
Subject: Greywater waiver

Art -

I received the new list of waivers from Wayne Chiu and noticed that greywater irrigation systems are not listed. There was obviously a lot of information about greywater and the state greywater irrigation law offered during the waiver hearings, and that omission raises questions.

Is the RWQCB's lack of greywater waiver due to the fact that the state greywater law, Water Code Section 14875 et seq, gives all greywater permitting authority to the cities and counties because the state law fully occupies the law on the matter, as I'd adamantly pointed out to the RWQCB?

Or, is that omission an indication that the RWQCB considers greywater something other than what state law considers it, such as sewage, or reclaimed water, and thus the RWQCB in placing a greywater system into one of those waiver categories?

Steve Bilson

CC: "Wayne Chiu" <wchiu@waterboards.ca.gov>

From: "Lori Navadel" <lnavadel@cox.net>
To: "Wayne Chiu" <wchiu@waterboards.ca.gov>
Date: 7/23/2007 10:29:43 PM
Subject: Re: OSWS for San Diego County

Mr. Chiu:

Thank you for getting back to me. I am familiar with the various regulations (although admittedly extremely confused about the various interpretations of current and future regulations, to include the "Draft OWTS" that should replace the antiquated existing plan). I have been waiting for over two years for new regulations, but unfortunately the wheels of the government are turning very slowly with regards to new regulations. If this is an avenue that could possibly enable me to finally build a house on my property, I want to give it a try...

I would like to submit a formal comment/question for inclusion:

BEGIN STATEMENT

I currently have a little over 4 acres in San Diego County (537 Holly Lane, Vista CA 92084). At the present time, I have 2 adjacent parcels (each 2+ acres). One parcel has an existing 4 bedroom house (with a septic system) where my parents reside -- sewer access is not available unless I spent 70-110 thousand dollars to bring it to the property. After having two percolation tests conducted on the adjacent 2+ acre parcel, although a number of areas had rates ranging from 80-120, it still fails under current regulations to qualify for a traditional septic system -- this parcel is where I want to build the home where I would reside as soon as I retire from the US Department of State. Being that it would cost around 70-110 thousand dollars just to bring sewer to my property, this option is something that is not economically feasible (I'm sure there are numerous other individual San Diego county property owners [developers not included for this comment] that are in the same situation..

Advancements in science have lead to the development of alternate systems that, when attached as secondary units/systems to a standard septic system (in lieu of a leach field), have the ability to almost completely eliminate contaminants; thereby providing a save a secure way to use an Alternate OWTS on a parcels that would otherwise not qualify for septic. I believe that the system listed below should be authorized as an approved exception for use in San Diego county for existing parcels (to include new construction by individual owners and the repair of failed systems in areas where both space and poor soil are issues) -- not developers for new residential projects). I would like to formally include the request for my property in Vista be granted an exception for an alternate system in order for me to build my residence. Below is information on the Alternate OWTS I would like approved for use in San Diego county under the Waver program:

Glendon® BioFilter Facts You Should Know

General

The Glendon® BioFilter System is the most effective on site system available on the market today. Its patented process transforms

household sewage into clear, useful water which may be safely percolated into the soil or recycled in accordance with local regulations. BioFilter effluent has been laboratory tested under a variety of operating conditions and meets the specifications for Washington State Treatment Standard Number One, without disinfections. The BioFilter uses no chemicals or disinfectants, ozone, or ultraviolet processes. All of these processes or techniques are recognized as being expensive or maintenance intensive, and some can be harmful to the environment. The Model M3 BioFilter has been approved as a propriety alternative system by the Washington State Department of Health (WSDOH). The next generation BioFilter, the M31 has also been approved by WSDOH.

Operating Principles

The BioFilter acts as a living organism that breathes air and consumes organic material contained in septic tank effluent while producing essentially pure water and innocuous, odorless gasses which diffuse unnoticed into the air. The harmful organic materials in septic effluent are living and non-living organic matter dissolved and suspended in the sewage water, including sewage indicating bacteria called fecal coliform. The sewage purified by the BioFilter is no longer a threat to health. It is sparkling clear, highly oxygenated, and smells fresh.

Performance

The BioFilter has the capability to produce effluent with very low levels of sewage characteristics of fecal coliform (FC), biological oxygen demand (BOD), or total suspended solids (TSS). Typical laboratory test results are:

WSDOH
Std. #1 Lab Tests at Site
#1 #2
FC 100ml 0.0 1.0
BOD <100ppm 4.2 2.3
TSS <100ppm 0.1 0.1

Reliability

Throughout the years of service by many Glendon® installations operating in a wide variety of conditions, there have been no failures of the BioFilter. The BioFilter has no mechanical parts to wear out or get out of adjustment. It requires no power to accomplish its treatment processes. It needs no regular maintenance. It is normally fed by a small, reliable, 110 volt electric pump for metered flow.

Effluent quality is ensured by extensive anaerobic pretreatment before processing in an unsaturated, continuously purifying capillary flow through an inverted V sand path. This final process provides enhanced aerobic treatment before the purified water wicks into the surface of the native soil at the periphery of the BioFilter where it mixes with the natural flow of local ground moisture. The treated effluent can also be collected and stored for recycling if desired. This advanced process is in a class by itself for performance, adaptability, reliability, low maintenance, and

■ GOLF & RESORT

Legal News Alert™

FOLEY

FOLEY & LARDNER LLP

■ JULY 27, 2007

Legal News Alert: Golf & Resort Industry Team is part of our ongoing commitment to providing up-to-the-minute information about pressing concerns or industry issues affecting our clients and our colleagues.

Contributing Author:
S. Wayne Rosenbaum
 San Diego, California
 619.685.6413
 srosenbaum@foley.com

If you would like additional information about the Golf & Resort Industry Team, please contact your Foley attorney or any of the following individuals:

Fred S. Ridley, Co-Chair
 Tampa, Florida
 813.225.4107
 fridley@foley.com

Van A. Tengberg, Co-Chair
 San Diego, California
 619.685.6408
 vtengberg@foley.com

Regional Water Quality Control Board, San Diego Region, Proposes Strict Limitations on the Use of Reclaimed Water at Golf Courses

The Regional Water Quality Control Board, San Diego Region, has proposed Tentative Resolution R9-2007-0104 (Tentative Resolution). As written, the order will have significant impact on the owners and operators of golf courses located in San Diego County, southern Orange County, and southern Riverside County.

The Tentative Resolution creates a new set of discharge requirements for reclaimed water, which are noted on pages D-28 through D-29 of the Tentative Resolution. While recycled water has always been regulated under 22 CCR Section 60310, this new Tentative Resolution imposes three additional requirements:

1. The Tentative Resolution contains an absolute prohibition against the discharge of recycled water either directly or indirectly to any surface water of the state, including ephemeral streams and vernal pools. Compliance with this requirement could be very costly and potentially impossible for existing courses. Course managers will need to control irrigation overspray to assure that no irrigation runoff enters the storm drain system or a water of the state. Irrigation ponds will need to be covered or redesigned to avoid overtopping in rainstorms.
2. Golf courses will be required to prepare a Report of Waste Discharge (RoWD) pursuant to California Water Code Section 13260. This is a detailed and costly analysis of the pollutant loads contained in the reclaimed water, their potential transport into surface water or ground water, and the potential impact on beneficial uses resulting from the transport of those pollutants prior to the commencement of any discharge. It is likely that an analysis also will be required for other chemicals added to, or transported by, the recycled water such as fertilizers and pesticides. There does not appear to be any grace period for golf courses currently using recycled water.

FOLEY
 FOLEY & LARDNER LLP

Legal News *Alert*TM

Page 2 of 2

JULY 27, 2007

ABOUT FOLEY'S GOLF & RESORT INDUSTRY TEAM

The Golf & Resort Industry Team of Foley & Lardner LLP includes attorneys from across the country with specific experience in the golf and resort industry. With backgrounds that encompass real estate, business, environmental, construction, intellectual property, public finance, and litigation, our attorneys combine skill and hands-on experience to guide developers and lenders in projects involving golf amenities, timeshare, and other recreational components.

Foley.com

Foley & Lardner LLP Legal News Alert is intended to provide information (not advice) about important new legislation or legal developments. The great number of legal developments does not permit the issuing of an update for each one, nor does it allow the issuing of a follow-up on all subsequent developments.

If you do not want to receive further Legal News Alert bulletins, please e-mail info@foley.com or contact Marketing at Foley & Lardner LLP, 321 N. Clark Street, Suite 2800, Chicago, IL 60610 or 312.832.4500.

- Golf courses will be required to submit technical and/or monitoring reports as directed by the Regional Water Board. The content of these reports has not yet been established. However, recent attempts to add similar open-ended monitoring requirements to projects have resulted in increased costs in excess of \$100,000 per year.

These Tentative Resolution provisions put golf course owners in a very awkward position. State water rights law mandates the use of recycled water on golf courses whenever it is available. These Tentative Resolution provisions may make compliance with those water rights laws very costly, if not impossible, to comply.

The public comment period for this Tentative Resolution will close on August 8, 2007 and, if unchallenged, the Tentative Resolution will be adopted in September 2007. The Tentative Resolution will then go into effect in January 2008. Unless golf course owners and operators participate in the public comment process and develop a record concerning the infeasibility of these new provisions, they will lose their standing to appeal. Moreover, if left unchallenged, this will become a precedent for other regulatory agencies to follow across the country.

From: "Eric Larson" <Eric@sdfarmbureau.org>
To: <wchiu@waterboards.ca.gov>
Date: 7/31/2007 2:09:45 PM
Subject: Waiver comments

Wayne,

Thank you for your work and the inclusionary process in getting this draft waiver prepared for the Regional Board. After our final review we do have a few comments to offer and the comment letter is attached.

Please acknowledge receipt and let me know if you have any questions.

Regards,

Eric Larson

Executive Director

San Diego County Farm Bureau

760-745-3023



FARM BUREAU SAN DIEGO COUNTY

1670 East Valley Parkway, Escondido, CA 92027-2409

Phone: (760) 745-3023 • Fax: (760) 489-6348

E-mail: sdcfb@sdfarmbureau.org • Website: www.sdfarmbureau.org

July 31, 2007

Mr. Wayne Chiu
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: *Amendment to the Water Quality Control Plan for the San Diego Region to Incorporate the Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge Within the San Diego Region*

Dear Mr. Chiu:

Thank you for this opportunity to comment on the proposed Basin Plan Amendment that will renew and revise the conditional waivers of waste discharge in the San Diego Region. On behalf of the members of the San Diego County Farm Bureau I would like to express appreciation for the Regional Board's efforts to include previously discussed comments and concerns of the farm community in the draft document.

We offer the following comments:

Page 28, 3.I.A. 3

This item discusses the need to protect surface waters from direct contact with domestic animals. Our concern stems from the comment that "...fencing should be installed to eliminate direct exposure of animals to surface water bodies." While this may be appropriate for Animal Feeding Operations, the section applies to grazing lands as well. The requirement to build fences separating cattle from all surface water bodies would necessitate the construction of literally hundreds of miles of fencing throughout San Diego County's back country, disrupt the management of rangeland, and create a hazard for migrating wildlife.

It is our suggestion that this section be rewritten to exclude grazing lands from a fencing requirement. The disbursement of cattle over rangeland reduces impacts and a requirement to provide watering troughs or basins will eliminate the need for cattle to approach water bodies. Preferably, reliance on Section 3.II.C. 1, which states, "Grazing operations must prevent the direct or indirect discharge of animal wastes (i.e., manure, urine) to any surface waters of the

state" gives sufficient regulatory authority without dictating the management practices for specific grazing sites.

Page 30, 3.1.D. 1

In this condition the term "fresh" manure lacks definition. If fresh is deemed to also mean dried but uncomposted, then it will create a significant problem for manure generating sites as well as the off-site farms that depend on dried or processed manures. Not all manure generating sites have the capacity or authority for composting and rely on drying or processing as the means to create safely transportable manure.

It is our suggestion that this condition be rewritten as: "*Only dried, processed, or composted manure may be applied as a fertilizer, amendment, or mulch to soil on sites other than the same property where the manure was generated.*"

Page 38, 4.I.B. 5(c)

Agricultural and farm operators create green wastes and trash constantly throughout the workday. The prescribed keeping requirement would be an onerous daily task and add nothing to the effort to prevent discharges.

It is our suggestion that (c) be eliminated. The application of Best Management Practices clearly covers this issue and 4.I.B. 5(h) will ensure a means of record keeping.

Page 38, 4.I.B. 5(d)

The requirement to maintain pesticide use reports and records is already regulated by the California Department of Pesticide Regulation and the San Diego County Department of Agriculture, Weights and Measures. There is no need for a duplicative regulatory requirement.

It is our suggestion that (d) be eliminated or replaced by a statement requiring compliance with applicable state law for pesticide use record keeping.

Page 38, 4.I.B. 5(e)

The application of fertilizers, the additions of soil amendments, and the use of mulches occurs on farms regularly. A record keeping requirement would be an onerous daily task and add nothing to the effort to prevent discharges.

It is our suggestion that (e) be eliminated. The application of Best Management Practices clearly covers this issue and 4.I.B. 5(h) will ensure a means of record keeping.

Page 38, 4.I.B. 5(f)

Irrigation is a daily management issue on all farms and changes dramatically with the weather, seasons, and cropping patterns. Keeping records of water use and irrigation schedules would be an onerous daily task and add nothing to the effort to prevent discharges.

It is our suggestion that (f) be eliminated. The application of Best Management Practices clearly covers this issue and 4.I.B. 5(h) will ensure a means of record keeping.

Page 38, 4.I.B. 5(g)

In and of themselves, equipment and maintenance records will not afford any improvement in water quality.

It is our suggestion that (g) be eliminated. The application of Best Management Practices clearly covers this issue and 4.I.B. 5(h) will ensure a means of record keeping.

Page 39, 4.I.B. 6, 7, and 8

This section initiates the proposal of creating coalitions for agricultural and nursery operators. While we accept that course of action, we feel it is important to point out that the success of this idea will hinge entirely on the Regional Board's willingness to create sufficient incentives for entering the coalition. If there is no clearly understood benefit in joining a coalition, then coalition organizers will be hard-pressed to organize and meet the prescribed deadlines.

Page 42, 4.II.B. 1

Nursery operators throughout the region are making great strides in eliminating the discharge of irrigation return water. In addition to the application of Best Management Practices to manage the application of irrigation water and reduce the use of chemicals, one popular strategy is to construct containment basins to capture and then reuse irrigation water. These basins can be constructed to handle rainfall inflows from normal and occasional heavy storm events. However, the total prohibition for discharges is a standard that cannot be met when extreme rainfall events occur. Sizing containment to handle 100-year events when irrigation return water and rainfall are commingled would be prohibitive.

It is our suggestion that this condition be rewritten to recognize the inevitability of extreme storm events as they would affect irrigation water containment basins and their limited capacity.

Again, thank you for this opportunity to comment. We look forward to an issuance of waivers that will help accomplish the mutual goal of clean water. Please feel free to contact me at your convenience if you have any questions.

Sincerely,



Eric Larson
Executive Director _____

From: "Stephan Beck" <sbeck@ninyoandmoore.com>
To: <wchiu@waterboards.ca.gov>
Date: 7/31/2007 3:29:19 PM
Subject: Comments on the Amendment to the Water Quality Control Plan for the San Diego Regional Water Quality Control Board

Wayne: The Technical Work Group has prepared the attached letter containing comments on the amendment to the Water Quality Control Plan for the San Diego Region (9) to Incorporate the Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region.

<<30 July 2007 final Letter to W Chiu w comments on waiver 7 25 07.doc>>

Stephan Beck
Manager, Environmental Sciences Division
Ninyo & Moore
5710 Ruffin Road
San Diego, California 92123
858/576-1000 x1263
858-576-9600

CC: "Dan Johnson" <djohnson@scsengineers.com>, "Douglas Roff" <douglas.roff@earthtech.com>, "Gary McCue" <gmccue@trcsolutions.com>, "George McCandless" <George.mccandless@sdcounty.ca.gov>, "Julie Marshall" <jmarshall@rinconconsultants.com>, "Nathan Starr" <Nathan.Starr@amec.com>, "Robert G. Russell" <rjr@procopio.com>, "Thomas Mills" <tmills@gradient-eng.com>, "Thomas Mulder" <tmulder@tnainc.com>, "Linda Beresford" <lindab@envirolawyer.com>

July 31, 2007

Submitted Via Electronic Mail

Mr. Wayne Chiu
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

wchiu@waterboards.ca.gov

RE: Comments on the Amendment to the Water Quality Control Plan for the San Diego Region (9) to Incorporate the Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region

Dear Mr. Chiu,

The Site Assessment and Mitigation (SA/M) Technical Work Group for the Specific Waiver Conditions for the Discharge/Reuse of Inert Soils and Materials from Contaminated Sites submits the following written comments on the proposed Specific Waiver Conditions for the Discharge/Reuse of Inert Soils and Materials from Contaminated Soils (which will be referred to hereinafter as the "Waiver").

1. The Waiver is designed to allow the off-site export and reuse of inert soils from known contaminated sites. This Waiver is not designed to establish clean up levels for soil remaining on-site. However, the Technical Work Group is concerned that this issue is not clarified in either the Waiver itself or Appendix B providing background information about the Waiver.

The Technical Work Group proposes that a footnote "f" be added below Table I, and a footnote "g" be added below Table II of the Waiver, which states, "These values are not intended to provide clean up levels for soil remaining on-site. Such values should be established based on the contaminants of concern, the site use, and in conjunction with the regulatory agency providing oversight for the remediation effort." We recommend that these footnotes also be added beneath the tables in Appendix B.

2. Section 1.a) of the Waiver states that for all waste soils characterized as inert (Tier 1 or Tier 2), the following conditions apply: Inert waste soils from known contaminated sites cannot be transported off site and discharged/disposed/reused directly or indirectly to any surface waters of the state (including ephemeral streams and vernal pools). (See Waiver, p. 61; Appendix B-16.)

The Technical Work Group believes that this restriction applies to all soil exported from a site and imported to another site, whether or not the export site was a site that contained

some contamination. Given that this restriction, as well as others not included in the Waiver, applies regardless of the contamination, we believe it should be removed and that it is best for all restrictions that apply to soil generally remain the responsibility of the individual placing the soil.

3. Section 1.i) iv)(B) states that samples must be analyzed by a state-certified analytical laboratory using EPA approved analytical methods for the following constituents: Total petroleum hydrocarbons (by EPA Method 8015) (full range if export site includes oil or fuel spill or release investigation or remediation.) (See Waiver, p. 63; see also Appendix B-17.)

The Technical Work Group recommends that this language be changed to the following: Total petroleum hydrocarbons (by EPA Method 8015) (full range if export site includes oil or fuel as a contaminant of concern.) Additionally, on Appendix age B-17, please remove the word "recoverable" from this sentence.

4. Section 1.i) iv)(C) states that samples must be analyzed by a state-certified analytical laboratory using EPA approved analytical methods for the following constituents: Polychlorinated biphenyls (if export site includes PCB spill or release investigation or remediation). (See Waiver, p. 63; see also Appendix B-17.)

The Technical Work Group recommends that this language be changed to the following: Polychlorinated biphenyls (if export site includes PCB as a contaminant of concern).

5. Section 1.i) iv)(D) states that that samples must be analyzed by a state-certified analytical laboratory using EPA approved analytical methods for the following constituents: Volatile and semi-volatile organic compounds (if export site includes organic solvent spill or release investigation or remediation). (See Waiver, p. 63; see also Appendix B-17.)

The Technical Work Group recommends that this language be changed to the following: Volatile and semi-volatile organic compounds (if export site includes volatile and semi-volatile organic compounds as a contaminant of concern).

6. Section 1.i) iv)(E) states that samples must be analyzed by a state-certified analytical laboratory using EPA approved analytical methods for the following constituents: Pesticides (if export site includes a known agricultural area, or pesticide spill or release investigation). (See Waiver, p. 63; see also Appendix B-17.)

The Technical Work Group recommends that this language be changed to the following: Pesticides (if export site includes a known agricultural area or pesticides are a contaminant of concern).

7. The last sentence of footnote 28 on page 63 of the Waiver reads, "The appropriate number of samples is the least number of samples required to generate a sufficiently

precise estimate of the true mean concentration of a chemical contaminant of a waste.”

The Technical Work Group recommends that the phrase “a sufficiently precise estimate” be changed to “a sufficiently representative estimate.” Precision refers to how closely individual measurements agree with each other. In general, the more precision, the greater the number of significant figures. Accuracy refers to how closely a measured value agrees with the correct value. Accuracy is significant in this instance. Additionally, these data will be used to determine the 90% UCL, not just the mean.

8. Section 2.c) of the Waiver states, “An Inert Waste Certification must be filed with the San Diego Water Board by the owner/operator of the export site within 30 days following export and placement of the soil. (See Waiver, p. 65; Appendix B-19.)

The Technical Work Group recommends that this language be changed to read as, “An Inert Waste Certification must be filed with the San Diego Water Board by the owner/operator of the export site within 30 days following completion of export activities.” For soils reused under Tier I of the Waiver, which provides for unrestricted reuse of the inert waste soil within the terms of the Waiver, it is unlikely that the owner/operator will know where and when the soil is finally placed.

9. Sections 2.c) vi) and 3.c) v) of the Waiver state that “The Inert Waste Certification must include the following information: Laboratory analytical data, including number of samples collected, EPA approved analytical methods used, maximum reported concentrations of Title 22 metals for the contaminants of concern, number of samples exceeding Tier 1 Soil Screening Levels, and name of certified environmental analytical laboratory that performed the analysis. (See Waiver, p. 65, 67; Appendix B-19, B-21.)

The Technical Work Group recommends that this language be changed to read as follows: Laboratory analytical data, including number of samples collected, EPA approved analytical methods used, the 90% UCL of the data for the contaminants of concern, and name of certified environmental analytical laboratory that performed the analysis.

10. The first paragraph of Appendix page B-14 states, in part, that “However, background concentrations in areas that have been impacted by anthropogenic activities typically have higher background concentrations. Therefore, for reuse of inert waste soils for anthropogenic development purposes, a higher background concentration could be considered representative. A value of one half of the maximum background concentration from the Kearny Report could be considered representative of background soil concentrations in anthropogenic developed areas.”

The Technical Work Group recommends that this language be changed to read as follows: However, for reuse of inert waste soils for commercial/industrial development purposes, a higher background concentration could be considered representative. Hence, a

value of one half of the maximum background concentration from the Kearny Report is used in the Tier 2 table.

Thank you very much for your assistance on this matter.

Respectfully submitted,

The Site Assessment and Mitigation (SA/M) Technical
Work Group for the Specific Waiver Conditions for the
Discharge/Reuse of Inert Soils and Materials from
Contaminated Sites

From: "Ed Kimura" <emkimura@earthlink.net>
To: <rb9agenda@waterboards.ca.gov>
Date: 8/1/2007 11:30:15 AM
Subject: Agenda

We are enclosing comments on Agenda Item 6 for the RWQCB hearing on August 8, Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region.

Ed Kimura

Sierra Club

San Diego Chapter

CC: "Wayne Chiu" <wchiu@waterboards.ca.gov>



San Diego Chapter
Serving the Environment in San Diego and Imperial
Counties
3820 Ray Street
San Diego, CA 92104

Main Office: (619) 299 1743
Chapter Coordinator: (619)-299-1741
Fax: (619)-299-7142
Email: creiff@sierraclubsandiego.org
www.sierraclubsandiego.org

State of California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court Suite 100
San Diego, California 92123
Attn: Mr. Wayne Chiu

Subject: Draft Technical Report Basin Plan Amendment to
Renew and Issue Revised Conditional Waivers of Waste Discharge
Requirements for Specific Types of Discharge within the San Diego Region

Dear Susan Ritschel, Chair, and Members of the Board:

We appreciate the staff efforts in conducting stakeholder meetings on the agricultural waiver and general waiver workshop to inform and obtain public comments on the proposed revisions to amend the existing conditional waivers in the Basin Plan. Several new types of discharges have been identified that previously have not been regulated but could be regulated by conditional waivers. One benefit of the conditional waivers is to relieve the cost to both the regulator and the discharger of the requirements imposed by WDRs. This benefit must be evaluated in terms of the net benefit to improve the Region water quality. The Technical Report should address means by which water quality improvements can be assessed. For example, are the numbers of impaired water bodies declining? The water Code requires that these waiver conditions be enforced. The Report asks for public oversight as one means to aid in enforcement. Other methods such as analyzing monitoring data from the non-point source control program, TMDLs and MS4 program could be used to assist in the enforcement. The Technical Report should expand on the methods to enforce the conditional waivers.

We support most of the proposed Basin Plan Amendments to renew and issue revised conditional waivers of waste discharge requirements for specific types of discharges within the San Diego Region. However, there are issues in the proposed amendments that are not adequately addressed. These are listed below.

Need for acronyms and glossary. The Technical Report should include a table of acronyms and glossary. The amendment to the Basin Plan should include updates to its Glossary and Acronyms. These additions are important in providing user friendly regulations not only for education element in the agricultural enrollment process but also for the interested members of the public at large.

Comments on the Draft Technical Report are listed below by the respective sections of the draft Technical Report.

7.1 Proposed Waiver No. 1 Discharges from onsite disposal systems.

Page 18, correct typographical error in 1st paragraph, last sentence; change “treat” to “threat”.

This waiver includes five types of discharges of which the first four are of concern to us:

1. Conventional septic tank/subsurface disposal systems for residential units,
2. Conventional septic tank/subsurface disposal systems for commercial/industrial establishments
3. Alternative individual sewage systems
4. Conventional septic tank/subsurface disposal systems campgrounds.
5. On-site graywater disposal system

Conventional septic systems issues. Nationwide septic systems have been a significant source of groundwater pollution. EPA Office of Water has been active in taking steps to improve the septic systems. In January 2005, Ben Grumbles, Assistant Administrator for EPA Office of Water issued the document “Decentralized Wastewater Treatment Systems, A Program Strategy”¹. He introduces the program strategy with this message:

“Decentralized wastewater treatment systems (commonly called septic systems) are a significant component of this nation’s wastewater infrastructure. They can be an effective option for protecting public health and the environment if properly designed, installed, and managed. They can be a significant threat to public health and the environment if they are not.

I am pleased to publish this Strategic Plan to improve the performance of decentralized wastewater treatment systems. This Strategic Plan presents our key goals and planned actions for our decentralized wastewater treatment system program. It builds on existing partnerships to provide a solid foundation of information, training, management, and oversight. It includes components for regulators, service providers, and property owners. I believe this Strategic Plan is a significant step forward for communities that choose a decentralized approach to help protect the health of their citizens and the environment.”

The Strategic Plan is concise, just 10 pages long.

Waiver must comply with the EPA UIC Program. Our review of the conditional waiver for the conventional septic systems in light of the EPA program strategy and related documents indicates that it requires substantial improvements. The waiver must recognize that EPA classifies these systems as Class V shallow injection wells and regulates them by authority of the Safe Water Drinking Act in the Underground Injection Control Program² (40 CFR 144). The objective is to protect underground sources of drinking water.

There are 32 types of Class V injection wells³ grouped into eight subclasses of which the

¹ EPA Office of Water *Decentralized Wastewater Systems A Program Strategy* EPA Office of Water Decentralized Wastewater Treatment Systems, A Program Strategy http://www.epa.gov/owm/septic/pubs/septic_program_strategy.pdf EPA 832-R-002 Jan. 2005

² EPA Region 9 *Underground Injection Control (UIC) Class V Wells* <http://www.epa.gov/region09/water/groundwater/uic-classv.html>

³ EPA Region 9, *32 Types of Class V Injection Wells* <http://www.epa.gov/region09/water/groundwater/uic-docs/32types-gwpc.pdf>

conventional septic systems in the waiver are in the subclass of domestic wastewater disposal wells. The UIC Program regulates these systems for multiple residential units or non-residential establishments that service 20 or more persons (also known as large capacity septic systems) unless they receive industrial, commercial or other chemical waste streams. If the latter is true then they are no longer domestic wastewater treatment wells. The UIC Program does not regulate those systems serving less than 20 persons. The proposed waiver should specify that the septic systems for the commercial/industrial establishments must only receive domestic wastes.

The State of California does not have primacy in the UIC Program. It shares joint control with EPA. The minimum requirements UIC Program for these systems are:

1. Obey the non-endangerment performance standard prohibiting injection that allows the movement of fluids containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation or adversely affect public health; and

2. Provide inventory information (including facility name and location, legal contact name and address, ownership information, nature and type of injection wells, and operating status of the injection wells) to the state or EPA regional UIC Program.

A copy of the inventory information is available on line.⁴

We conclude the conditional waiver fails to comply with the UIC Program. The conditional waiver must include operator/owner of the large capacity septic system certification of the minimum requirements.

Information on Alternative Individual Sewerage System is not adequate. The Proposed Waiver No. 1 does not provide adequate information on the acceptable types of Alternative Individual Sewerage Systems. This is a blanket waiver that is not acceptable without additional information to demonstrate that these alternative systems comply with waiver conditions. In response to concerns on onsite wastewater treatment systems, EPA has published the "Onsite Wastewater Treatment Manual".⁵ This manual contains useful guidelines on the selection and design of onsite wastewater systems. We request that Technical Report provide information on the acceptable types of alternative Individual Sewerage Systems and on any such systems in operation today in the Region. Owners of new alternative individual sewerage systems should be required to submit a RoWD and details of the system to the Board for approval in order to be eligible for the conditional waiver.

Revisions in the Guidelines in Basin Plans are required. The Guidelines page 4-26 of the Basin Plan for individual sewerage systems has two classes of projects; those involving five or less family units and those involving more than five family units. The definition of the project classes should be revised to projects serving less than 20 persons and projects serving 20 or more persons to be in keeping with the UIC Program. See additional comments on the Guidelines under Specific Waiver Conditions below.

The 100 foot rule must be justified. On page 19, 1.I.A General Waiver Conditions for On-site

⁴ EPA http://www.epa.gov/safewater/uic/classv/pdfs/fs_inventory-of-injection-wells.pdf

⁵ EPA Onsite Wastewater Treatment Systems Manual EPA 625/R-00/008 February 2002
http://www.epa.gov/safewater/uic/classv/pdfs/tcchguide_2002_onsite_wwt_systemsmanual.pdf

Wastewater Systems, Conditions 1 and 6 can be conflicting. Condition 1 requires that the effluent from on-site disposal systems cannot be discharged directly or indirectly to any surface waters. It is questionable in our view that Condition 6, which requires the effluent must be discharged at least 100 foot from any surface water body, would be adequate to comply with the more restrictive Condition 1 for highly permeable soil/substrate types. 73% of the County of San Diego subsurface is composed of fractured bedrock⁶. It is very difficult to predict the fate and transport of the effluent from an onsite disposal system located in an area composed of fractured rock⁷. Note that the proposed waiver condition for temporary waste pile No. 6.b) v) forbids emergency land fills on fractured bedrock aquifer or highly permeable soil to protect groundwater quality. Data must be provided to support the minimum 100 foot separation. Otherwise we cannot support this 100 foot rule and require that the minimum separation be increased to a safe-proven distance for all soil conditions or determined on a case-by-case basis according to soil type and permeability.

Page 19, 1.I.A. General Waiver Condition for On-site Wastewater System, Condition 9 must be revised to include EPA UIC Program regulations. We recommend the first sentence be revised to read *"The owner/operator of an on-site disposal system must comply with applicable local, state, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses from authorized agencies."*

Page 20, 1.II.A Specific Waiver Conditions for On-site Septic and Sewerage Systems, Condition 2.b) must be revised in order to comply with the EPA UIC Program the *Guidelines for New Community and Individual Sewerage Facilities* in Chapter 4 (Implementation) of the Basin Plan. In particular, on page 4-26 under Individual Sewerage Systems revise:

1. Projects Involving Five Family Units or Less - Conventional Septic Tank/Subsurface Disposal
To: Projects Involving Less Than 20 Persons - Conventional Septic Tank/Subsurface Disposal
2. Projects Involving More Than Five Family Units - Conventional Septic Tank/Subsurface Disposal
To: Projects Involving 20 or More Persons - Conventional Septic Tank/Subsurface Disposal

Additional UIC Program Injection Wells. In addition to the subclass of Domestic Wastewater Disposal Wells, Drainage Wells is a subclass which includes five types:

- Agricultural
- Storm water
- Improved sinkholes to receive storm water runoff in karst topographic area
- Industrial drainage wells – wells that are located in industrial areas built to receive storm water but susceptible to leaks, spills or other chemical discharges
- Special drainage wells to dispose water from sources other than direct precipitation such as swimming pools, landslide control, portable water tank overflow/drainage

With the exception of improved sinkhole drainage wells, the rest could be used for wastewater disposal in this Region. These drainage wells have not been addressed in the Technical Report. Is it

⁶ Land Use and Environment Group, Department of Planning and Land Use, Department of Planning and Land Use, Dept of Public Works County, *Guidelines for Determining Significance and Report Format and Content Requirements Agricultural Resources*, March 19, 2007 pp 16-17

<http://www.sdcounty.ca.gov/dplu/Resource/docs/3~pdf/AG-Guidelines.pdf>

⁷ USGS. *Fractured Rock Aquifers: Understanding an Increasingly Important Source of Water*
<http://toxics.usgs.gov/pubs/FS-112-02/>

correct to assume that these would require the discharger to submit RoWD and comply with the WDR? Comments on drainage wells for storm water and low threat discharges are provided in their respective sections

7.2 Proposed Conditional Waiver No. 2 – “Low Threat” Discharges to Land

2.1.A. General Waiver Conditions for Low Threat Discharges of Water to Land

The UIC Program regulates 32 injection wells as noted above. Drainage Wells is another subclass. It includes five types of drainage, two of which are classified as posing low to moderate risk to water quality; a) storm water drainage wells and b) special drainage wells to dispose water from sources other than direct precipitation such as landslide control, swimming pool drainage. As the Conditional Waiver report makes no mention of these drainage wells, please explain if these are allowed. If so then there should be conditions on their use to comply with the UIC Program regulations. See comment below on storm water infiltration BMPs.

2. II.G. Specific Waiver Conditions for Discharges from Structural BMPs that Require Infiltration on page 25 for storm water are of particular interest. EPA Region 9 has guidelines addressing storm water infiltration wells in California.⁸ It states that if the storm water infiltration wells include subsurface fluid distribution systems, it would be considered as a Class V injection well. MS4 permit should be consulted to resolve this issue.

7.4 Proposed Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations

The Draft Technical Report describes the current discharges from agricultural and nursery operations are not adequately managed to protect the San Diego Region water quality. One major issue is that there are more than 60% of the farms in the Region are small agricultural operations on 10 acres or less. There is also concern that these small farms are unlikely to be implementing water quality control management measures and best management practices. From the standpoint of watershed management and TMDL compliance, this situation needs to be significantly improved. Given the Regional Board resource constraints we support the proposed tired approach that is patterned after the State Non-Point Source Control Program to implement conditional waivers for the discharges from the agricultural and nursery operations. We are mindful of the proposed Bacteria TMDL for beaches and creeks in the San Diego Region. Implementation of the conditional waiver schedules/planning should be coordinated with the Bacteria TMDL.

Agricultural drainage wells. We consulted the EPA Class V Underground Injection Control Study Volume 2 Agricultural Drainage Wells⁹. It estimates that there is no agricultural injection well in California. EPA considers these wells pose high risk to groundwater so these should not be given a waiver.

7.10 Proposed Conditional Waiver No. 10 – Discharges of Emergency/Disaster Related Wastes

We recommend that the Board inform the agencies involved in emergency response planning be

⁸ EPA Region 9 Ground water Office, *Municipal Storm Water and Ground Water Discharge Regulations in California*, <http://epa.gov/region09/water/groundwater/uic-docs/calif5d-muniguide.pdf>

⁹ EPA *The Class V Underground Injection Control Study, Vol. 2 Agricultural Drainage Wells*, EPA/816-R-99-014b Sept 1999 <http://www.epa.gov/safewater/uic/classv/pdfs/volume2.pdf>

informed of the waiver conditions. We also recommend that waiver conditions address the disposal of medical wastes and unused pharmaceuticals from field emergency medical operations and disposal of wastes from field emergency shelters.

Appendix A

A.3 Review of the Existing Conditional Waivers

Page A-3. This section should be revised to incorporate the UIC Program as discussed in comments on onsite wastewater treatment systems. The *Guidelines for New Community and Individual Sewerage Facilities* in Chapter 4 of the Basin Plan as previously stated should be revised to recognize and comply with the UIC Program replacing more than *5 family units* to *20 or more persons*. The authorities should include EPA.

Page A-5 See comments on section 7.1 of the Draft Technical Report

Page A-15. See comment in 7.2 2.II.G on structural BMPs using storm water infiltration wells.

Appendix B

B.1.7 Temporary Waste Piles and Surface Impoundments of Disaster-Related Wastes. Incorporate comment on Section 7.10

Appendix C

Tentative Resolution No. R9-2007-0104 and Basin Plan Amendment

Revise Appendix C per the above comments where applicable.

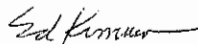
Appendix D

Environmental Check List

Page D-7. In Section D.3 revise the last sentence in Proper Waste Management to read: *Proper waste management includes complying with local ordinances, local, state, and federal regulations and obtaining any required approvals, permits, certifications, and/or licenses from authorized agencies*. The prior comment explained that the EPA UIC Control Program regulates the Class V Injection Wells which includes large scale septic systems.

This concludes our comments

Sincerely,



Ed Kimura
Water Issues
Sierra Club
San Diego Chapter

From: "Gabriel Solmer" <gabe@sdcoastkeeper.org>
To: <wchiu@waterboards.ca.gov>
Date: 8/1/2007 4:33:52 PM
Subject: San Diego Coastkeeper comments on proposed waiver policy

Mr. Chiu,

Please find the attached comments on the proposed waiver policy. Feel free to contact me with any questions or concerns.

Thank you,

Gabriel Solmer

Ms. Gabriel Solmer, Esq.

Legal Director

San Diego Coastkeeper

Note new address & phone:

2825 Dewey Rd. Suite 200

San Diego, CA 92106

p. (619) 758-7743 ext. 109

f. (619) 224-4638

CC: "Jacquelineg" <jacqueg@sdcoastkeeper.org>

August 1, 2007

Mr. Wayne Chiu
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California, 92123



Re: Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region

Dear Mr. Chiu,

I am writing to you on behalf of San Diego Coastkeeper (Coastkeeper), a non-profit organization dedicated to the preservation, protection, and defense of the environment, wildlife, and the natural resources of San Diego area waterways. Water quality plays a significant role on public health, quality of life and the local economy in the San Diego region. The importance of regional water quality is heightened as the number of impaired water bodies in the San Diego region continues to increase.

The Porter-Cologne Act requires all who discharge or propose to discharge waste "that could affect the quality of the waters of the state" (defined as including groundwater) to report the discharge to the local Regional Water Quality Control Board. Cal. Water Code § 13260. A Regional Board may regulate various discharges with WDRs or, if appropriate, with "waivers of WDRs, with conditions" to ensure that those discharges do not impact use of the state's waters. Water Code section 13269(a)(1) specifies, however, that waivers of WDRs should only be issued where the Regional Board has determined that a waiver would both be in the public interest and is "consistent with any applicable state or regional water quality control plan."

Coastkeeper commends the Regional Board for proposing three notable changes to the existing WDR waiver policy. First, we recognize that the Regional Board has increased and made more specific the conditional requirements of each waiver, particularly where the discharge has been identified as a potentially significant source of pollutants for water bodies on the CWA 303(d) list. Second, the policy identifies nine additional types of discharges, including discharge from fireworks, that are not currently regulated in the region, which we feel is a necessary expansion of the WDR and WDR waiver program. And lastly, we acknowledge that the Regional Board has provided the necessary authority to increase regulation through MMS/BMPs, monitoring requirements, and WDRs, reserving the possibility of stricter requirements for dischargers.

While the proposed WDR waiver policy is a vast improvement over the one currently in place, Coastkeeper would like to voice a few brief concerns with the program. The first pertains to the waiver of WDRs for types of discharges that are listed as a source of impairment of 303(d) listed water bodies. While increasing the conditional requirements for the waiver is an improvement over the existing policy, Coastkeeper does not feel that this is adequate or permissible under the Porter-Cologne Act. Since the Regional Board has identified that these waterways are impaired or threatened discharges subject to a waiver, it is a manifest failure of the Regional Board's duties under the Porter-Cologne Act not to regulate these discharges by WDRs and to have instead issued WDR waivers for these discharges. Based on Water Code section 13269(a)(1), WDR waivers, which do not contain the necessary enforcement tools

2825 Dewey Rd. Suite 200, San Diego, CA 92106
Tel. 619.758.7743 Fax 619.224.4638 www.sdcoastkeeper.org

found for WDRs, are inconsistent with the Basin Plan for such discharges. In addition, waivers for discharges causing or contributing to waters being listed as impaired are not in the public interest, thus also precluded by Water Code section 13269(a)(1).

Second, Coastkeeper requests that the Regional Board gather and analyze information about the extent of the adverse surface and/or groundwater quality impacts caused or exacerbated by the discharges. To the best of Coastkeeper's knowledge, the Regional Board has failed to gather, analyze and make publicly available information about the extent of the adverse surface and/or groundwater quality impacts caused or exacerbated by the discharges covered under conditional waivers, despite having a duty to ensure monitoring of state water quality, including polluted runoff discharges to the extent they are being addressed by WDRs or waivers, and make monitoring results publicly available. See CWA § 305(b), Cal. Water Code § 13269(a)(2).

Coastkeeper requests that monitoring be included as a condition of any WDR waiver, and not made optional. If the Regional Board's analysis concludes that these discharges could affect the quality of the waters of the state, (see Cal. Water Code § 13260(a)(1)) within the Regional Board's jurisdiction, Coastkeeper further requests that the Regional Board issue tentative WDRs that appropriately regulate such discharges. Should the Regional Board find there are adverse impacts associated with these discharge, Coastkeeper again requests the Regional Board consider whether amendments to the Basin Plan to include prohibitions or further conditions on polluted runoff discharges are needed.

Lastly, we would like to call attention to the Regional Board's failure to regulate marinas under either a WDR or WDR waiver. Marinas are listed as a source of impairment in Region 9, specifically impacting Dana Point Harbor and likely other areas. Marinas continue to cause and contribute to significant and lasting degradation to the waters in this Region, and must by law be regulated under the Porter-Cologne Act. Coastkeeper therefore requests that the Regional Board take immediate action in regulating marinas through WDRs.

Again, Coastkeeper would like to reiterate its support of the Regional Board in proposing a more comprehensive and protective waiver policy. While we recognize that this is a step in the right direction, we also feel that several improvements must be made in order to protect our region's waterways. The issues addressed above highlight a few of our broader concerns which we will clarify further at the Regional Board public hearing on August 8. Thank you for your time and cooperation in this matter.

Sincerely,

Jacque Guber
Legal Intern
San Diego Coastkeeper

Solmer
Diego Coastkeeper

Legal Director



Irrigation & Turfgrass Services

34001 Amber Lantern Street #A, Dana Point, California 92629

8-2-07

Mr. Wayne Chiu
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340.

RE: San Diego RWQCB Tentative Resolution R9-2007-0104

In the midst of Southern California's driest season on record it seems illogical to impose new regulations and restrictions upon recycled irrigation water irrigators that would discourage both current and future use. Tentative resolution R9 -- 2007 -- 0104 will likely do just that if not amended.

The resolution would require irrigation managers to control wind drift and minor overspray to assure no irrigation runoff enters storm drain systems or waters of the state. Irrigation storage ponds at parks and golf courses will need to be covered or redesigned to avoid overflow during rainstorms. Compliance with this requirement could be very costly and potentially jeopardize the viability of many millions of dollars of taxpayer funded recycled water infrastructure. Recycled water users could no longer accept it as an alternative irrigation supply on the grounds of unreasonable cost since Section 13550.2 of the California water code states recycled water be provided at reasonable cost.

In the future, even residential landscapes will likely become subject to this resolution if enacted because Section 13552.2 of the California water code now mandates recycled water use in residential landscapes when available. Therefore dual plumbed residential developments would be placed in the same category as other irrigators with regard to these regulations. Enforcement would not be practical.

Additionally, correspondence from the executive director of the State Water Resources Control Board dated February 24, 2004 stated that controlling overspray and incidental runoff from recycled irrigation water projects was practically impossible. Therefore the San Diego Regional Water Quality Control Board would be holding recycled water users and their purveyors to standards higher than what the State Board ever intended.

In this the driest of seasons, when operation of the delta pumps has been limited to as little as 10% of their capacity to protect the environment and both Lake Mead and Lake Powell on the Colorado River system are approximately 50% full, these onerous regulations make little if any sense. As a turfgrass professional who has encouraged the use of recycled water for turf and landscape irrigation for over 25 years I strongly encourage you to rethink Tentative Resolution R9-2007-0104.

Sincerely,

Mike Huck

Attachment: SWRCB Incidental Runoff Memo 2-27-2004

Golf Course Turfgrass & Irrigation Management Consulting

Recycled & Irrigation Water Quality Assessment / Management Programs

Irrigation Association Certified Golf Irrigation Auditor # 53943

3-Dimensional Graphics of Irrigation Audit Results

Telephone 949-388-5097

Fax: 949-661-4157

Cellular 949-697-4158

From: "Sandy Clark" <SClark@barona.com>
To: "Wayne Chiu" <wchiu@waterboards.ca.gov>
Date: 8/3/2007 10:40:51 AM
Subject: RE: Att:Brian Kelly, regarding R9-2007-0104

Wayne,

Thanks for responding. Most of us in the golf industry are probably unaware of what is posted on the website but you can be sure many of us will now be actively checking. Golf is a multi-billion business in California. Anything that appears restrictive to our water suppliers or to us as golf operators immediately raises a red flag. Reclaimed water is our life blood. Many more would be using it if available. Any action that may drastically increase cost, limit availability or add unnecessary and costly permitting, testing and reporting can have a major influence on golf as an industry.

The Tentative Resolution appears to contain an absolute prohibition against the discharge of recycled water either directly or indirectly to any surface water of the state, including ephemeral streams and vernal pools. That is a huge blanket statement that may impact the industry down to the level of an individual sprinkler.

Golf courses will be required to prepare a Report of Waste Discharge (RoWD) pursuant to California Water Code Section 13260. It is likely that a water analysis will be required for other chemicals added to, or transported by, the recycled water that will include fertilizers and pesticides. It appears there is no grace period for golf courses currently using recycled water. Golf courses are consumers of water and not in the business of discharge. This seems like over reaction to a problem that does not exist in our industry.

Golf courses will be required to submit technical and / or monitoring reports as directed by the Regional Water Board. The content of these reports has not even been established. Open-ended monitoring requirements may result in increased costs in excess of \$100,000 per year. My question is why? Golf courses are probably the leaders in environmental consideration. We take pride in doing the right thing. Why the need for excessive regulation when we are not causing problems. Golf courses are thriving environmental habitats.

State water rights law mandates the use of recycled water on golf courses whenever it is available. The tentative resolution will reduce availability and will increase costs yet provide no improvement to already highly maintained operations. Costs will be involved and someone will have to pay. I am sure fines for any violation will also be large.

We in the golf business have always been part of the solution rather than causing the problem. If I am reading this information correctly, we will be impacted in a major but unnecessary manner. Let us work with the Regional Water Quality Control Board. If a problem exists, let's identify it and find a solution. My fear is the Tentative Resolution is unrealistic, too broad and unmanageable. It also appears to go beyond the mission the Water Quality Control Board. The various water agencies already have enforcement authority for discharge.

From: John Robertus
To: Wayne Chiu
Date: 8/3/2007 5:41:54 PM
Subject: Fwd: August 8, 2007 Hearing Basin Plan Amendment, WDR Waiver Program

Wayne, Gary Arant is an ex R9 Board Member and Gen Mngr. of Vally Center Water Dist. FYI JHR

"For information about the California Regional Water Quality Control Board, San Diego Region, see our Web-site at <http://www.waterboards.ca.gov/sandiego/>."

>>> Gary Arant <GARant@vcmw.org> 8/3/2007 10:18 AM >>>
John;

I just found our yesterday about the RWQCB proposal to amend the WDR waiver program and requires that permanent users of reclaimed water would be required to submit RWD's and conduct specific and individual monitoring programs.

While I have not had the time to really evalute this, my first blush would be that this change will make it more difficult to get new people interested in using reclaimed water and sustain those who are currently using it on a permanent basis.

I have talked with several other people interested in developing reclaimed water and they feel the same way. Hopefully you will hear from them also.

I think it would be beneficial to the overall process to delay action on this item for at least 60 to 90 days so that those us in the business can get our arms around this and maybe come up with some ways to accomplish your goals and the still be able to have our region reach its reclaimed water delivery potential.

So please accept this as a request to delay action on this item, at least to the degree that impacts the use of reclaimed water.

Thanks for your consideration,

Gary Arant
General Manager
Valley Center MWD

CC: David Barker; Mike McCann

From: John Robertus
To: Marsi Steirer
Date: 8/3/2007 5:52:46 PM
Subject: Re: RWQCB Hearing on WDR Waiver

Marsi, Thanks for your comments. This issue has been in the works for many months. The existing waivers in all Regions statewide expire on 1 Jan '08. The many pages of material on our Waiver Basin Plan agenda item involves 35 separate issues. I would hope you can find those portions that pertain to your concerns easily without reading the entire document(s). Absent a waiver, WDRs will be required for all waste discharges to waters of the U.S./State. POC is Wayne Chiu. JHR

"For information about the California Regional Water Quality Control Board, San Diego Region, see our Web-site at <http://www.waterboards.ca.gov/sandiego/>."

>>> "Marsi Steirer" <MSteirer@sandiego.gov> 8/3/2007 12:30 PM >>>

John:

I learned of the upcoming RWQCB hearing on August 8, 2007 on a proposal to amend the WDR waiver program associated with reclaimed water from the e-update newsletter I received from Foley and Lardner a week ago. As a large retail and wholesale reclaimed water provider we are naturally concerned about the implications of this action and our staff is trying to understand the implications of this proposal. My understanding is that the staff proposal on this item is extensive, complex and over 400 pages long! This is a great amount of information to digest in a short period of time.

Given the complexity of this issue, the current water situation in CA, and the fact that reclaimed water is a viable source of water for the future, I respectfully request that this item be continued for at least 90 days so that the RWQCB staff has an opportunity to fully engage all of the interested parties and stakeholders. It would be helpful if we had a better understanding of your objectives, as well as your staff have an understanding of what this proposal means to the producers and end users.

Thank you for your consideration of this request,

Marsi Steirer

Marsi A. Steirer
Deputy Director
City of San Diego Water Department
(O) 619.533.4112
(F) 619.533.5325
(M) 619.865.7458
msteirer@sandiego.gov

>>> golfresort@foley2.com 7/27/2007 1:59:22 PM >>>

ADV — This is an advertisement for Legal News, a newsletter published by Foley & Lardner LLP.

Having trouble viewing this e-mail?

JULY 27, 2007
Dear Marsi



8/03/07

Mr. Wayne Chiu
California Regional Water Quality Board
San Diego Region
0174 Sky Park Court
Suite 100
San Diego, CA 92123-4340

RE: Amendment to the Water Quality Control Plan for the San Diego Region (9) to incorporate the revised conditional waivers of waste discharge requirements for specific types of discharge within the San Diego Region.

Mr. Chiu:

As an owner and operator of golf courses in the San Diego Region I am writing to oppose the additional regulation being considered for the use of recycled water on golf courses. As many golf courses are either mandated or have no other option for irrigation water the proposed amendment will impose undue financial hardship on owners and operators.

Additionally, as water consumption continues to become more of an issue in the state regulations should be in place to encourage use of recycled water not discourage use. Similar language was used in a February 24, 2004 letter to the Regional Offices from the Executive Office of the State Water Resource Board. In this letter it was stated that restrictive permitting practices "renders the use of recycled water undesirable for many parties". It also stated "This approach does not acknowledge that recycled water quality is already regulated by both the regional boards and the Department of Health Services, and must meet stringent requirements at the time it is applied to the site".

The golf industry has for year been a steward of the environment and on the leading edge of water conservation and the use of recycled water. Our use of recycled water creates a natural filter through the soil. We as an industry support all efforts to encourage the use of recycled water and urge the Board to reconsider this amendment or utilize some of the available golf industry resources to draft a revised version.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Frost". The signature is stylized and somewhat cursive.

Tom Frost
President

Synergy Golf Course Management, LLC
2900 South D'Andrea Parkway
Sparks, NV 89436
Corporate (775) 331-6363
Southern California Office (362) 431-1700



California Golf Course Owners Association
30098 Red Barn Place, Canyon Lake, CA 92587
Tel: (951) 246-2928 Fax: (951) 246-2929
www.golocalifornia.org

August 3, 2007

Mr. Wayne Chiu
California Regional Water Quality Board
San Diego Region
0174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: Amendment to the water quality control plan for the San Diego Region (9) to incorporate the revised conditional waivers of waste discharge requirements for specific types of discharge within the San Diego Region

Dear Sir:

The California Golf Course Owners Association (CGCOA) is a Chapter of the National Golf Course Owners Association (NGCOA) and represents a membership of approximately 400 golf courses from the State's population of 900+ courses. Golf is a State-wide industry that generates about eight billion dollars (\$8 billion) of revenue, employs over one hundred thousand (100,000) people and contributes very significantly to state taxes, charitable events, residential property values, human fitness, health and welfare and preservation of open space and aesthetic urban enhancement.

The golf industry is proud of its ability to assist the wastewater treatment facilities by utilizing recycled water when and where available. Use of recycled water for golf course irrigation offers many benefits to the public and the environment as a whole (See attachment).

We believe that compliance with the proposed amendment to the water quality control plan for the San Diego Region (9) will be exceedingly difficult, very costly and perhaps impossible, thereby impacting the golf industry unreasonably. The order would be a disincentive to courses currently considering switching to the use of recycled water from potable sources. This is at a time when the region is feeling vulnerable from drought. The order would put a huge burden on golf courses that are *"mandated to use recycled water when available"*.

As a result, **we strongly oppose the proposed Amendment to the Water Quality Control Plan as it is currently written.** As an industry we are prepared to assist the Regional Water Quality Board to achieve its goals and we are ready to lend expertise and resources to draft a revised version of the amendment, if so desired.

Thank you for your consideration.

Sincerely,

Edward C. Horton, CGCS, CIA
Executive Director - CGCOA



A National Golf Course Owners Association Chapter

Attachment: Reclaimed Water and Golf by Ted Horton, CGCS, CIA - January 2007

Water is one of the most precious resources on this planet and is becoming increasingly scarce in many parts our country. But, much of the water we use ends up as wastewater. Wastewater is produced when we use sinks, showers, toilets, appliances, and machinery in our homes, shops, offices and factories. Recycled water is wastewater that has been treated, filtered, and disinfected. The final product meets state and federal standards and is safe for incidental human contact when used for irrigation. Recycled water is disseminated to customers through a distribution system totally separate from the drinking water system.

Initial recycled water distribution systems (generally constructed in the 1970s), were limited to serving localized agricultural areas, golf courses, parks, schools, and large landscapes. Extensive biological research through the late 1970s and early 1980s resulted in approval by state regulatory agencies and the Federal Environmental Protection Agency (EPA) for expansion of the recycled water systems into commercial and residential areas. The partnership between the golf industry and municipal wastewater treatment programs has proven beneficial for golf and municipalities alike throughout this expansion process.

From the beginning, many golf courses embraced the use of recycled water, others had no choice but to use it, and to this day some still resist bringing recycled water to their courses. Golf courses and agriculture have been prime users of the water, assisting municipal waste water treatment plants to develop recycled water standards for crop, turfgrass and ornamental plant irrigation. In particular, the management of turfgrass has been complicated by the accumulations of salt in the soil, additional heavy metal deposits, suspended bio-solids and even some pathogens that may not be killed by the treatment processes. While the agricultural fields can often mitigate these complications by routinely plowing, tilling or turning over the soil, golf course superintendents have had to pioneer maintenance strategies to mitigate the problems without tilling. The golf industry has accepted the challenge of how to use this recycled water and is continuously developing maintenance strategies to cope.

Golf wishes to continue to be part of the solution. Use of recycled water for golf course irrigation offers many benefits to the public and the environment as a whole. For example, golf course use of recycled water benefits communities by:

- making treated wastewater a resource for irrigation rather than a discharge without a secondary use;
- reusing water for irrigation extends municipal tax dollars to keep parks and golf courses green and healthy;
- making existing water supplies go farther and increasing the amount of potable water available for communities;
- helping to provide a drought resistant supply of water by reducing the use of potable water;
- offsetting some of the expense of waste water treatment of recycled water by paying a “fair fee” for the water utilized;
- assisting to avoid the need for the construction of new potable water treatment and distribution facilities;
- supporting research and developing turfgrass and plant improvement techniques for managing salts contained in recycled water;
- allowing for new growth using existing water resources;
- assisting Municipal, State and Federal recycling objectives to be met;
- assisting waste water treatment public outreach to communicate the value of recycled water to golfers and the public at large;
- minimizing the effects of drought



and, benefits the environment by:

- helping to recharge the ground water;
- helping to reduce groundwater overdraft, that is extracting more water than is replenished;
- enabling many contaminants to break down within the turfgrass thatch and soil structure rather than polluting waterways where they would otherwise be discharged;
- reducing the amount of discharge of treated water into rivers and the ocean, which can adversely impact water quality;
- reducing the amount of treated waste water from reaching seaside marshlands, diluting the salinity of this sensitive habitat of several endangered species;
- helping to remove potentially harmful chemicals such as NDMA;
- potentially helping to filter and biologically degrade pharmaceuticals not removed by the wasted water reclamation process;
- utilizing recycled water for golf course wetland and waterfowl habitat development and restoration;
- reducing use of petroleum based fertilizers by positively utilizing many elements remaining in treated water, such as nitrogen and phosphorus for plant nutrition;
- reducing the needs for additional urban water and minimizing the need for costly and environmentally harmful new dams and reservoirs;
- maintaining water flow for fish and aquatic creatures;
- helping to decrease diversion of water from our environmentally-sensitive ecosystems;

Finally, it goes without saying that water use efficiency reduces demand and compliments water recycling. Golf Course Superintendents are amongst the most efficient irrigation schedulers. This is well illustrated by Bert McCarty, Coordinating Author of the text "Best Golf Course Management Practices"¹. *"It is just good business to conserve water whenever possible and to design irrigation systems and programs that provide quality turf with minimum water use. Irrigating too heavily not only wastes valuable water, it invites the potential for increased disease incidence, turf thinning, shallow rooting, reduced stress tolerance, and increased soil compaction and turf wear. Inefficient use of electricity and excessive wear and tear on the irrigation pumps and total system also are reasons to maximize water use."* In short, the golf course superintendent's job retention is dependant upon his or her irrigation proficiency. It is mandatory!

¹ Best Golf Course Management Practices – L.B. (Bert) McCarty, Coordinating Author, Department of Horticulture, Cleveland State University – Prentice Hall - 2001



From: <janes.elizabeth@epamail.epa.gov>
To: <wchiu@waterboards.ca.gov>
Date: 8/3/2007 12:15:54 PM
Subject: RWQCB9 Waiver policy and applicable federal UIC regulation

Hello Mr. Chiu:

This email is to record our telephone conversation earlier today, in which we discussed the applicability of the federal Underground Injection Control (UIC) requirements to some of the categories of discharges being considered for renewal or expansion of the basin's waiver policy. As we discussed, large capacity onsite sewage systems, onsite sewage systems receiving fluids other than sanitary waste, and stormwater drywells or subsurface fluid distribution systems are included as subtypes of Class V injection wells.

The minimum requirements for compliance with the UIC regulations are to (1) submit inventory information about the discharge to the UIC program, which for California means to the federal EPA, and (2) do not discharge fluids with concentrations of contaminants that could endanger underground sources of drinking water.

As I understand it, "Indirect enrollment" for coverage under a Regional Water Quality Control Board waiver may include compliance by a discharger with any other applicable regulation at the local, state or federal level, including the UIC inventory requirement, and Board staff will consider to what degree it will reference these other regulations in its basin plan amendment.

If Board staff or Board members seek explicit language from EPA on UIC compliance, delivered in a more formal manner, or if EPA might have the opportunity to comment on how the UIC requirements are described in waiver documents, please contact me.

Thanks

.....

Elizabeth Janes
(415) 972-3537, FAX (415) 947-3549
USEPA Region 9 Ground Water Office (WTR9)
Underground Injection Control Program
75 Hawthorne Street, SF, CA 94105
www.epa.gov/region09/water/groundwater/index.html

----- Forwarded by Elizabeth Janes/R9/USEPA/US on 08/03/2007 11:46 AM -----

Elizabeth
Janes/R9/USEPA/U
S To
"Ed Kimura"
08/03/2007 10:54 AM <emkimura@earthlink.net>
cc



August 6, 2007

.....
Founded July 29, 1899
.....

Mr. Wayne Chiu, PE
Water Resources Control Engineer
Water Quality Standards Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court
San Diego, California 92123

OFFICERS

ED HOLMES
PRESIDENT

BOB LOWE
VICE PRESIDENT

KENT KELLER
SECRETARY

JOHN RYDELL
TREASURER

ERROL SHAW
IMMEDIATE PAST PRESIDENT

Dear Mr. Chiu,

I am writing on behalf of the Southern California Golf Association, an organization that represents 165,000 members, many of whom reside in the jurisdiction of your Regional Control Board. In addition, we are a member of a collective know as the California Alliance for Golf (CAG), an entity made up of the industry leaders in the state.

We are concerned that the regulations proposed by your board could have an impact on many of our golf facilities. Our industry has been proactively seeking solutions that will make our courses viable in the event of a water crisis. Many of our golf facilities have converted or are considering converting to recycled water as their primary source of water. We are worried that these guidelines would prove onerous to those currently irrigating with recycled water and a tremendous disincentive to those considering recycled water as an option.

We are aware that you have responded to one of our CAG members; you noted that the language has been misinterpreted. That may be the case, but when we have attorneys and representatives from water agencies telling us otherwise, you can understand that we are not instilled with confidence. The agronomic challenges associated with maintaining turf with recycled water are great; any obstacles applied from legislative mandates will drive potential end users away.

We are acutely aware of the water problems in California, both in terms of quantity and quality. We are sure that you would concur that opportunities to reduce the stress on the potable and ground water supplies are desirable. Further, rather than returning treated water into waterways, the irrigation of turf may offer a biological solution as turf has been shown to be an excellent biofilter.

We thank you for considering these points when you are establishing policy on these matters.

Sincerely,

Kevin T. Heaney
Executive Director

KTH/kt

.....
DIRECTORS
.....

- KEENAN BARBER
- KEN BIEN
- ALAN FRANK
- JIM GILES
- DENNIS HARWOOD
- BOB HEDLEY
- AL LARA
- TOM LINDGREN
- JOHN MORELLO
- BOB OSBORN
- JOHN RYDELL
- KEVIN SMITH
- STEVE TITUS

.....
EXECUTIVE STAFF
.....

KEVIN T. HEANEY
EXECUTIVE DIRECTOR

RAY TIPPET
ASSISTANT EXECUTIVE DIRECTOR

KAREN KIBBEE
CONTROLLER

FRANCES NEE
DIRECTOR OF HANDICAP

DOUG SULLIVAN
DIRECTOR OF COURSE RATING

MICHAEL SWEENEY
DIRECTOR OF RULES
AND COMPETITIONS

ROBERT D. THOMAS
SENIOR DIRECTOR OF COMMUNICATIONS

EMILY VON DOEHRN
DIRECTOR OF MEMBER SERVICES

EXECUTIVE OFFICES IN
GOLF HOUSE WEST

3740 CAHUENGA BOULEVARD • NORTH HOLLYWOOD, CALIFORNIA 91604-3502
MAIL TO: POST OFFICE BOX 7186 • NORTH HOLLYWOOD, CA 91615-0186
(818) 980-3630 • (800) 554-7242 • FAX: (818) 980-2709
E-MAIL: scga@scga.org • INTERNET: www.scga.org

From: "Waymire, Dave" <dwaymire@americangolf.com>
To: <wchiu@waterboards.ca.gov>
Date: 8/7/2007 10:15:24 AM
Subject: Tentative Resolution R9-2007-0104

To Whom It May Concern:

I am a regional golf course superintendent for American Golf in San Diego, and several of my golf courses now use reclaimed water.

I am very worried about the new proposal being considered and wanted to express a strong protest against the tentative resolution R9-2007-0104.

The additional requirements being considered are not only unnecessary, but they would create a compliance nightmare. Several of the courses we operate are forced to utilize the reclaimed water and creating these additional restrictions and reporting requirements would cost many, many thousands of dollars. We simply could not operate under those circumstances.

Thank you for taking the time to hear my concerns.

David Waymire
Regional Superintendent
Office (619) 479-8265
Cell (619) 726-2641
Fax (619) 470-2707



PO Box 1266 San Marcos, CA 92079-1266
760/727-6616 Fax: 760/734-4557
Website: www.sdgcса.com | E-mail sdgcса@cox.net

2007

Board of Directors
OFFICERS

President
Sandy Clark, CGCS
Barona Creek G.C.
619/328-3991

Vice President
Troy Mullane
The Farms G.C.
858/945-5503

Secretary/Treasurer
Brendon Reaksecker
Bonita G.C.
619/267-1103

Immediate Past President
Scott Hardy
Welk Resort – San Diego
760/651-3284

DIRECTORS

John Baasch
La Costa Resort & Spa

Geoff Haynes
Maderas G.C.

Brian Sandland
Bear Creek G.C.

Glenn Foreman, CGCS
Ocean Hills C.C.

Vince Zellefrow
Lomas Santa Fe C.C.

AFFILIATE ADVISORS

Nick Spardy
Turf Maker, Inc.
619/852-0424

Mark Grund
Mark Grund Enterprises.
619/258-9899

EXECUTIVE DIRECTOR

Brenda C. Warner
760/727-6616

August 7, 2007

Mr. Wayne Chiu
California Regional Water Quality Control Board,
San Diego Region – Via Email

Subject:

Amendment to the water quality control plan for the San Diego Region (9) to incorporate the revised conditional waivers of waste discharge requirements for specific types of discharge within the San Diego Region, Tentative Resolution R9-2007-0104

Dear Sir:

The San Diego Golf Course Superintendents Association and the California Golf Course Superintendents Association, represent over 1,000 golf facilities throughout the State of California. A large percentage of these facilities are highly dependent on availability of reclaimed water. As strong environmental stewards, reclaimed water use is strongly encouraged by our industry. You have received several letters from concerned organizations and individuals that feel the wording in Tentative Resolution R9-2007-0104 poses a potential risk to the viability of golf in California. I have personally read much of the Basin Plan Amendment and Appendix A through D, and find the wording to be less than clear. We fear it may be subject to multiple interpretations. Our recommendation is to delay moving forward on this Amendment until our concerns are fully clarified. Until such clarification has been carefully spelled out, the San Diego Golf Course and California Golf Course Superintendents Associations must oppose the proposed Amendment to the Water Quality Control Plan as it is currently written.

As an industry of environmentally sensitive professionals, we are prepared to assist the Regional Water Quality Control Board to achieve its goals and will lend expertise and resources to draft a clear and concise version of the amendment. Having read your response to my initial concerns, it is obvious that we need to develop a strong working relationship to ensure clarity with issues involving reclaimed water.

Thank you for your time and consideration.

Sincerely,

Sandy C. Clark

Sandy C. Clark CGCS
President, San Diego Golf Course Superintendents Association
Director, California Golf Course Superintendents Association

SC/bcw

From: "Stephens, Cam" <CStephens@AmericanGolf.com>
To: <wchiu@waterboards.ca.gov>
Date: 8/7/2007 3:08:24 PM
Subject: Reclaimed water restrictions

I am emailing you regarding the proposed new restrictions on golf courses for reclaimed water. I am responsible for operations of 11 golf courses in San Diego of which 5 use reclaimed water. The restrictions are impossible to meet and the monetary impact on the business due to the new reporting requirements would be overwhelming to the business. My golf courses are forced to use the reclaimed water, and if these new requirements go through, we will be forced into spending hundreds of thousands of dollars, and obviously our business can not afford that. Our ultimate solution may be to stop using reclaimed water. I will be attending the meeting tomorrow and I hope you take the time to hear all the golf course operators input and comments.

Thank you,

Cam Stephens

Regional Vice President

American Golf

CC: "Stephens, Cam" <CStephens@AmericanGolf.com>

From: "Vineyard at Escondido GC General manager" <GM@vineyardatescondido.com>
To: <wchiu@waterboards.ca.gov>
Date: 8/7/2007 3:48:42 PM
Subject: reclaimed water proposal

In regards to the proposed new restrictions on golf courses for reclaimed water, I would like to respond. I am the General Manager of a golf course that uses reclaimed water. The restrictions are impossible to meet and the monetary impact on our business, with the new reporting requirements, would have a huge negative financial impact that we could not afford. With the new reporting requirements, I believe it would make golf courses consider not using reclaimed water and in an environment of possible water shortages in the region I don't believe this is the right direction to go.

Thank you,

Brad Van Horn, PGA
General Manager
The Vineyard at Escondido
760-735-9545 ext. 225
760-735-9543 fax

Learn more about American Golf | Careers | Events | Golf | www.americangolf.com |

From: "Eastlake CC General Manager" <GM@Eastlakecountryclub.com>
To: <wchiu@waterboards.ca.gov>
Date: 8/7/2007 4:18:04 PM
Subject: Reclaimed water restrictions

I am writing this email in response to the new restrictions that are proposed for golf courses that use reclaimed water. I operate a golf course in San Diego that has used reclaimed water since opening for play in 1991. These proposed restrictions would be impossible for our operations to meet, and the new reporting requirements would be financially devastating. Facing these new restrictions would force us to consider stopping the use of reclaimed water. I hope you will consider the concerns of golf course operators and the impact that this proposal will have during your meeting tomorrow.

Thank you

Chris Gilfillen
General Manager
EastLake Country Club
619.482.5757 ext.224
VM # 8267
www.eastlakecountryclub.com <<http://www.eastlakecountryclub.com/>>

Learn more about American Golf | Careers | Events | Golf | www.americangolf.com |

From: "Lomas Santa Fe CC General Manager" <gm@lomassantafecc.com>
To: <wchiu@waterboards.ca.gov>
Date: 8/7/2007 4:33:16 PM
Subject: oppose resolution R9-2007-0104

August 7, 2007

Dear Sir or Madam;

I am the General Manager of Lomas Santa Fe CC in Solana Beach and I am writing you concerning tentative resolution R9-2007-0104. The restrictions proposed would be impossible to meet and the monetary impact on our Club due to the new reporting requirements would be overwhelming to the business. Further, the implementation of this type of rule will have a chilling effect on any other courses considering implementation of recycled water. This is not the desired effect you wish, is it?

As quoted from the State Water Resources Control Board letter of February 24, 2004:

"Most importantly, this permitting practice renders the use of recycled water undesirable for many parties. Customers are not willing to assume the cost and the potential liability associated with either securing an individual NPDES permit or ensuring that no incidental runoff will ever leave the permitted application area. Moreover, this approach does not properly acknowledge that recycled water quality is already regulated by both the regional boards and the Department of Health services, and must meet stringent requirements at the time it is applied to the site. Finally, the prohibition approach blurs the distinction between wastewater and recycled water that has been repeatedly recognized by the Legislature "

Please oppose the resolution R9-2007-0104.

Thank you,

Lynn Farrar



August 7, 2007

Wayne Chiu, PE
Water Resource Control Engineer
Water Quality Standards Unit
California Regional Water Quality Control Board San Diego Region
9174 Sky Park Court
San Diego, CA92123

Re: Tentative Resolution R9-2007-0104

Dear Mr. Chiu:

As you are aware, tentative resolution R9-2007-0104 creates a new set of discharge requirements for reclaimed water. And since state water rights law mandates the use of recycled water on golf courses whenever it is available, the tentative resolution provisions may make those water rights laws very costly, if not impossible, to comply. For these reasons, Maderas Golf Club and its parent company oppose the feasibility of these provisions because we feel they would be onerous.

Please call me directly at (858) 217-2551 if you should have any questions.

Regards,

A handwritten signature in black ink, appearing to read "Bob", written in a cursive style.

Bill O'Brien
General Manager

From: "Lomas Santa Fe Exec General Manager"
<LomasSantaFeExecGM@americangolf.com>
To: <wchiu@waterboards.ca.gov>
Date: 8/7/2007 6:42:00 PM
Subject: Reclaimed Water Limitations- Regional Quality Control Board

I am contacting you in regards to the new restrictions regarding reclaimed water and golf courses. I have read through the restrictions and find some of them close to, if not impossible to comply with. I am the General Manager of a small golf course in Solana Beach that is forced to use reclaimed water, and will suffer greatly if these changes in reporting requirements are passed. I urge for the sake of Golf Courses large and small, that these proposed requirements do not pass. My small course will be forced to spend hundreds of thousands of dollars, which will place an enormous financial strain on my property and many like mine, and will probably force the closure of a few.

Sincerely,

Dave Landers
General Manager
Lomas Santa Fe Executive Golf Course
(858) 755-0195

Learn more about American Golf | Careers | Events | Golf | www.americangolf.com |

California Alliance for Golf

San Diego Regional Water Quality Board
Attn: Mr. Wayne Chiu
0174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: Amendment to revise conditional waivers of waste discharge requirements

Dear Mr. Chiu,

The California Alliance for Golf is a newly formed organization which will act as the umbrella organization for all of the golf related industries, organizations and businesses in the state. One component of this organization's mission is to promote the positive environmental benefits the golf industry practices on a daily basis. One such example of this environmental stewardship is to utilize alternative water sources, such as recycled water to irrigate golf courses.

Approximately 25% of golf courses statewide derive all or a large portion of their irrigation needs from recycled water. The California Alliance for Golf would like to see this percentage grow even more in the near future. However, to subject golf courses that already use this resource to more intensive regulatory controls is counterproductive. Adopting these rigid standards will not encourage golf courses to switch to this resource but in fact will be discouraging to other golf courses who are considering recycled water.

The California Alliance for Golf strongly encourages the Board to not adopt the tentative resolution No. R9-2007-0104. Furthermore, the Alliance encourages the Board and staff to engage in a more collaborative process with the end users to consider the impacts and outcomes of proposed regulations.

The California Alliance for Golf remains concerned the proposed regulations will affect a large sector of employment throughout the region and adversely influence the significant economic impact golf provides the state of California. The golf industry has always been very proactive in addressing environmental concerns and we welcome the opportunity to be at the table when these regulations are discussed.

Sincerely,



Mike McCullough
Special Assistant to the Executive Director
California Alliance for Golf

cc: John Robertus

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD
2007 AUG 14 A 11:09

2007



San Diego County Water Authority

4677 Overland Avenue • San Diego, California 92123-1233
(858) 522-6600 FAX (858) 522-6568 www.sdcwa.org

August 7, 2007

VIA FACSIMILE AND U.S. MAIL

MEMBER AGENCIES

- Carlsbad Municipal Water District
- City of Del Mar
- City of Escondido
- City of National City
- City of Oceanside
- City of Poway
- City of San Diego
- Fallbrook Public Utility District
- Felix Water District
- Olivenhain Municipal Water District
- Clay Water District
- Poudre Dam Municipal Water District
- Cama Peninsula Marine Corps Base
- Rainbow Municipal Water District
- Rancho Municipal Water District
- Rincon del Diablo Municipal Water District
- San Diego Gas & Electric
- Santa Fe Irrigation District
- South Bay Irrigation District
- Vallecitos Water District
- Valley Center Municipal Water District
- Vista Irrigation District
- Yreka Municipal Water District

Mr. John Robertus
Executive Officer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: Comments on the proposed Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region

Dear Mr. Robertus:

The San Diego County Water Authority staff has reviewed San Diego Regional Water Quality Control Board's proposed "Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region" and associated appendices and technical report (collectively the "Basin Plan Amendment"). Based on that review, and consultation with staff of Water Authority member public agencies, we offer comments on three key areas that could significantly impact our ability to supply water and meet demands: "low threat" discharges to land; discharges of recycled water to land; and special waivers for local water supply development during drought or other critical water shortage conditions.

"Low Threat" Discharges to Land

The Water Authority's primary source of water is the State Water Project and the Colorado River. This water is currently obtained from the Metropolitan Water District of Southern California, either directly as a member agency of Metropolitan or by virtue of exchange for water from the Imperial Irrigation District. The Water Authority provides this water to its member public agencies, either treated to potable water standards or raw, in the case of its member agencies having their own water treatment facilities. The member public agencies then distribute the water to their customers for beneficial use.

The proposed addition of a waiver for "low threat" discharges to land should be clarified to remove any implication that the Regional Board is seeking to regulate reasonable and beneficial use of potable water, and that ordinary use of potable water is not, in and of itself, a discharge of waste. The proposal should clarify that the Regional Board's jurisdiction and concern extends solely to application of water in a manner or under such

A public agency providing a safe and reliable water supply to the San Diego region

OTHER REPRESENTATIVE

County of San Diego

Mr. John Robertus
August 7, 2007
Page 2

conditions that after beneficial use and where pollutants are added to the potable water, the water has the potential to reach a defined groundwater basin.

The Water Authority, based on its Urban Water Management Plan, and in cooperation with its member agencies, has established a number of water conservation strategies that have been incorporated into a Blueprint for Water Conservation that was adopted by the Water Authority Board in July 2007. These strategies include reducing exterior use of water for landscape irrigation. The Regional Board's "low threat" discharge waiver would support the Water Authority's conservation strategies, if it is clarified to make it clear that it applies to the excessive watering of landscaping, but only after there is sufficient scientific proof that the over-watering leaches other materials out of the soil and into the groundwater basin.

Discharges of Recycled Water to Land

The Water Authority generally supports the proposed waivers for recycled water, but staff are greatly concerned that some of the general waiver conditions will inhibit recycled water use, thus reducing the potential for recycled water to augment the region's water supplies. These waiver conditions also set a precedent for potential discharge requirements.

The legislature has declared that the state should undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state. (California Water Code section 13510.) The waiver conditions proposed in 7.1A.1. and 7.1A.2, could significantly impede the use of recycled water in San Diego:

Proposed condition 7.1A.1 states, "Recycled water cannot be discharged directly or indirectly to any surface waters of the state (including ephemeral streams and vernal pools)." Although recycled water users can utilize best management practices to minimize runoff from use sites, they cannot guarantee that no water will indirectly discharge to waters of the state. This is particularly true for use sites, such as golf courses, where ephemeral streams may run through the site. In addition, it is not clear how the proposed wording would apply to the use of recycled water for water features and ponds. We are also concerned that the language qualifies the definition of waters of the state as including ephemeral streams or vernal pools. Because "waters of the state" is a term specifically defined in California Water Code section 13050(c), alteration of that definition in the proposed Basin Plan Amendment by referencing ephemeral streams and vernal pools is not appropriate. Therefore, we recommend the following wording in condition 7.1A.1: "Recycled water cannot be discharged directly to any surface waters of the state. Best management practices shall be followed to minimize indirect discharges to waters of the state."

Mr. John Robertus

August 7, 2007

Page 3

Proposed condition 7.1.A.2 states, "Recycled water discharged to land cannot degrade the quality of the underlying groundwater." This statement is overbroad. Compliance with this provision could require significant evaluation and monitoring, making recycled water projects cost prohibitive. In addition, this statement is inconsistent with Section 13523.5 of the California Water Code which states "A Regional Board may not deny issuance of water reclamation requirements to a project which violates only a salinity standard in the basin plan." We recommend that this waiver condition be removed from the Basin Plan Amendment.

The Water Authority supports the waiver concept to help streamline processing and to maximize use of recycled water. The proposed Basin Plan Amendment includes two types of waivers for recycled water. The waiver for short-term projects could allow recycled water users significant flexibility where the use is for less than one year, by allowing the use to proceed without requiring a waste discharge permit. The waiver for long-term projects will allow the recycled use to go forward where the project proponent has filed the required application and reports with the Regional Board, and the proponent is waiting for the permit to be processed. This will reduce waiting time for proponents to begin using recycled water.

Waivers Due to Drought Conditions

California is currently experiencing the driest year on record. In addition, there are substantial threats to the operation of the State Water Project because of conditions in the Bay-Delta. The Water Authority has adopted a Drought Management Plan, and may be required to implement extraordinary measures to ensure adequate water supplies for the region. Similarly, the Water Authority's member agencies may be required to implement local water development programs within their respective territories. Therefore, Water Authority staff recommends that the Basin Plan Amendment include a provision that would allow the Regional Board to grant, in an expedited manner, discretionary waivers related to development of local supplies in response to drought conditions.

Future Planning to Meet Basin Plan Objectives

We understand the Regional Board's interest in addressing issues of poor water quality, particularly high levels of total dissolved solids (TDS) in local groundwater basins. We share the same concerns because high levels of TDS impede our ability to develop and use local groundwater and recycled water supplies. We do not believe that increased regulation of recycled water and imported water supplies is the answer. We are concerned that, in the quest for improving water quality, the Regional Board might consider requiring discharge permits of public water agencies that utilize storage in local groundwater basins and surface water reservoirs, crippling our ability to beneficially use our local and imported water supplies.

Mr. John Robertus
August 7, 2007
Page 4

The Water Authority, City of San Diego and County of San Diego formed a Regional Water Management Group (RWMG) for the preparation of an Integrated Regional Water Management (IRWM) Plan for the San Diego Region. The Regional Board's Basin Plan is a cornerstone of the IRWM Plan. Participation in the IRWM Planning process has included a variety of stakeholders including water, wastewater, recycled water and storm water agencies, nongovernmental organizations and environmental groups through public meetings and a Regional Advisory Committee (RAC).

We would like to be able to utilize the IRWM Planning process as a vehicle to address many of the issues that are of concern to the Regional Board and to better work with the Regional Board on development of basin plan objectives and cost effective solutions to meet those objectives. As an example, as part of that plan, the Water Authority is embarking on a feasibility study of the development of a brine line in the South Bay to address TDS issues and support development and use of local supplies. We invite Regional Board staff to actively engage with the stakeholders and use the IRWM Planning process and the RAC as a starting point for further dialogue to develop and meet future basin plan objectives and maximize the beneficial uses of water in San Diego County.

As you can see, there are a number of issues relating to the proposed waiver criteria that remain unresolved. The Regional Board may want to consider extending the comment and discussion period up to 90 days to allow time for additional discussion with stakeholders. If you have any questions regarding this letter, please contact Toby Roy at (858) 522-6743.

Sincerely,



Maureen A. Stapleton
General Manager

cc: Regional Board Members

Heather Collins, Region Chief
California Department of Public Health
464 W 4th Street, Room 437
San Bernardino, CA 92401

Sean Sterchi, District Engineer
California Department of Public Health
1350 Front Street, Room 2050
San Diego, CA 92101



...Dedicated to Community Service

2554 SWEETWATER SPRINGS BOULEVARD, SPRING VALLEY, CALIFORNIA 91978-2004
TELEPHONE: 670-2222, AREA CODE 619

www.otaywater.gov

August 7, 2007

John Robertus
Executive Officer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Subject: Comments on the Proposed Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region

Dear Mr. Robertus:

The Otay Water District (District) would like to offer the following comments concerning the San Diego Regional Water Quality Control Board staff proposal to amend the Basin Plan to renew and revise the Waste Discharge Requirements (WDRs) Waiver Program.

The District is mainly concerned with how the proposed waiver program regulates the use of recycled water. We believe that recycled water is a valuable resource and that it is an essential component of our efforts to help meet the growing water needs of our region. The District is concerned that some of the general waiver conditions will inhibit recycled water use, thus reducing the potential for recycled water to augment the region's water supplies. The State Legislature has encouraged the development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the State (California Water Code Section 13510). The waiver conditions proposed in 7.1A.1 and 7.1A.2 of the staff proposal are written in such a way that they could significantly impede the use of recycled water in the San Diego area.

The District is also concerned that these waiver conditions set a precedent for potential discharge requirements for our recycled water users. The requirement to "submit technical and/or monitoring program reports as directed by the Board" is new and very open-ended. It is not clear what this would mean for the many users of the District's recycled water. We feel that the proposed monitoring/reporting requirements and associated costs may be such that many of our users would decide that the burden is not worth the continued use of recycled water.

Mr. John Robertus
Comments on the Proposed Basin Plan Amendment
August 7, 2007
Page 2.

Lastly, the District would like to request that the comment and discussion period for the Resolution be extended to allow for additional discussion time with stakeholders.

Sincerely,
OTAY WATER DISTRICT

A handwritten signature in black ink that reads "mf magaña for mark watton". The signature is written in a cursive, somewhat stylized font.

Mark Watton
General Manager

MW:jrf

cc: Manny Magaña
Rod Posada
Lisa Coburn-Boyd



THE CITY OF SAN DIEGO

August 7, 2007

Hand delivered and sent via e-mail

Board Members
Regional Water Quality Control Board
San Diego – Region 9
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Board Members,

Subject: Tentative Resolution No. R9-2007-0104: Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region.

The City of San Diego Water Department appreciates the Regional Board staff efforts to update the Waiver Program as this program has the potential to reduce the costs and delays associated with Waste Discharge Requirement (WDRs), where appropriate, in accordance with the provisions of the Porter-Cologne Water Quality Control Act (henceforth referred to as the "Water Code").

While the Water Department supports the intent and proper application of the Waiver Program, there are a number of issues with the Basin Plan amendment as currently proposed. The Water Department is particularly concerned about the effects of the regulatory program on the use of recycled water and the language that is used in relation to this resource. Our issues of concern are listed below:

(1) "Recycled water" is not a waste nor should it be classified or defined as such:

The Draft Technical Report (Appendix A dated July 6, 2007) of the staff proposal states:

"The San Diego Water Board supports wastewater reclamation and reuse to the maximum extent feasible to help meet the growing water needs of the Region. However, reclaimed/recycled wastewater is still defined as a waste and subject to the requirements of Water Code sections 13260(a)(1), 13263(a), 13264(a) and/or 13269" (p. A-42).

It is important to note that the Water Code [§ 13050(d)] defines waste as:

"Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.



Water Department

600 B Street, Suite 600, MS 906 • San Diego, CA 92101
Tel (619) 533-7595 Fax (619) 533-5325

Page 2
Board Members
August 7, 2007

Equally important is the fact that the Water Code [§ 13050(d)] defines recycled water as well:

“Recycled water” means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource. Emphasis added.

Further, it is clearly the intent of the legislature of the State of California, to encourage the use of recycled water, wherever this is appropriate, as evidenced by the following statutes:

“The Legislature finds and declares that a substantial portion of the future water requirements of this state may be economically met by beneficial use of recycled water. The Legislature further finds and declares that the utilization of recycled water by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife purposes will contribute to the peace, health, safety and welfare of the people of the state. Use of recycled water constitutes the development of “new basic water supplies” as that term is used in Chapter 5 (commencing with Section 12880) of Part 6 of Division 6” [Water Code § 13511].

“It is the intention of the Legislature that the state undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state” [Water Code § 13512].

“The people of the state have a primary interest in the development of facilities to recycle water to supplement existing water supplies and to minimize the impacts of growing demand for new water on sensitive natural water bodies. A substantial portion of the future water requirements of the state may be economically met by the beneficial use of recycled water. The Legislature has established a statewide goal to recycle 700,000 acre-feet of water per year by the year 2000 and 1,000,000 acre-feet of water per year by the year 2010” [Water Code § 13529(c-e)].

“The Legislature finds and declares all of the following:

- (a) The waters of the state are of limited supply and are subject to ever-increasing demands.*
- (b) The continuation of California's economic prosperity is dependent on adequate supplies of water being available for future uses.*
- (c) It is the policy of the state to promote the efficient use of water through the development of water recycling facilities.*
- (d) Landscape design, installation, and maintenance can and should be water efficient.*
- (e) The use of potable domestic water for landscaped areas is considered a waste or unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available that meets the conditions described in Section 13550 of the Water Code” [California Government Code § 65601]. Emphasis added.*

Page 3
Board Members
August 7, 2007

Recycled water is **not** a waste and any such affirmation is contrary to state policy and state law. The language used by staff in the Waiver Program documentation obfuscates the distinction between wastewater and recycled water that has been repeatedly recognized by the Legislature.

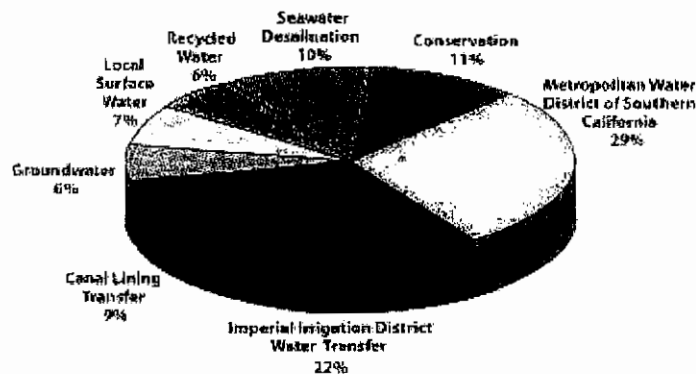
We respectfully request the Regional Board directs staff to revise all documents associated with the proposed Waiver Program and delete any references to recycled water as a waste and/or wastewater. We further request that staff reconsiders the proposed regulatory program as it affects recycled water to ensure that any proposed regulations are consistent with the intent of the Legislature.

(2) Water resource regulations must take into account the important role of recycled water in ensuring a secure water supply for the Southern California region.

Southern California is on track to have one of the driest precipitation years of record. The region served by the San Diego County Water Authority relies on water imported from the Colorado River and the State Water Project to meet up to ninety percent of its water portfolio needs. The Colorado River Basin is currently under drought conditions, having experienced below average runoff in six of the last seven years. Recent actions taken to protect the ecosystem of the Bay-Delta have placed restrictions and pressures on the State Water Project. Water agencies are striving to help California adapt to climate change and reduce the greenhouse gas emissions associated with managing water.

The current convergence of issues affecting our water supplies focuses significant attention on federal, state and local water management practices. The San Diego region must diversify its sources of water and increase its use of locally produced water. Diversification of our water supply is one of the primary objectives of the County Water Authority and its 24 member agencies. While recycled water currently accounts for 2% of our local water supply, it is anticipated to provide 6% of local supplies in the year 2020:

**San Diego County Water Authority
Water Supply Diversification by 2020**



Page 4
Board Members
August 7, 2007

A number of agencies in San Diego continue to implement and expand their water recycling projects. Currently, about 13,000 acre feet of recycled water is reused within the Water Authority's service area annually. This number is projected to increase to over 53,000 acre feet per year by 2020.

Development of local water supplies would also reduce the use of energy statewide (thus reducing a large contributor to global warming) as moving water throughout the state is now the largest user of energy in California. Recycled water is an important element of a sustainable, environmentally sound and cost-effective water resource "mix" in order to maintain water reliability in Southern California.

California law provides that the State's interest in conservation of water resources requires the maximum possible use of recycled water. The Water Code identifies recycled water as a major "new" source of water supply and a key element of a balanced and diversified water portfolio in many urban areas.

In order to address the water supply issues that Southern California is likely to contend with for many years to come, water resources agencies must find new ways to do business. Mr. Lester Snow, Director of the California Department of Water Resources, has called on all stakeholders to reconsider the way we interact with one another and pursue our mission: *"All of us will be asked to think and work in new ways, to reach across division lines, to form interdisciplinary teams, to collaborate and share knowledge"* (Department of Water Resources Newsletter, May 2007).

It should be noted that among the findings that the Board would make in adopting the Waiver Program (Resolution No. R9-2007-0104) is the following

The San Diego Water Board has considered the costs of implementing the proposed Basin Plan amendment and finds the proposed amendment will not result in any additional economic burden for dischargers.

The Waiver Program as currently proposed perpetuates the need for permanent water recycled projects to submit Reports of Waster Discharges (RoWDs) and adds a requirement for permanent water recycling water operators to submit technical and/or monitoring reports as directed by the San Diego Regional Water Board until Waste Discharge Requirements (WDRs) are issued. The documentation provided by Regional Board staff in relation to the proposed amendments does not include any information or analysis to support the finding that the proposed regulations do not result in additional economic burdens for operators.

Given the critical role of recycled water in ensuring the development of a diversified water supply portfolio for our region, we respectfully request that the Board directs staff to fully consider the role that regulatory programs may play in affecting the desirability of this

Page 5
Board Members
August 7, 2007

valuable resource. The Regional Board should ensure that there are no unnecessary regulatory barriers to increase the use of recycled water.

(3) The proposed Waiver Program should be revised in recognition of the inherent differences in water treated to secondary versus tertiary treatment standards and explicitly clarify how operators of recycled water projects, regulated under Master Recycled Water Permits, are affected by the proposal.

It is the understanding of the San Diego Water Department that users that receive recycled water that is regulated under a Master Recycled Water permit, are regulated under said permit and are not subject to any of the provisions of the proposed Waiver Program. The Water Department respectfully requests that language to this effect is explicitly incorporated into the Tentative Resolution and any other pertinent documentation.

We would also note that while the staff report recognizes the differences between recycled water that has been treated to secondary versus tertiary water treatment standards, the proposed Waiver Program regulates both secondary and tertiary treated water users in identical fashion.

The Water Department urges the Board to direct staff to consider the inherent differences between recycled water that has been treated to secondary versus tertiary water treatment standards and develop its regulatory programs accordingly.

(4) The proposed Waiver Program places onerous requirements on operators of recycled water projects in relation to the requirements on other discharges which have been clearly determined to have the potential to negatively affect the waters of the State and their beneficial uses.

The proposed Waiver Program provides for conditional waivers for discharges associated with animal, agricultural, nursery and silvicultural operations. The staff reports notes that storm water runoff associated with these activities can be a significant source of pollutants to surface waters and/or groundwater if proper Management Measures and Best Management Practices (MMs/BMPs) are not implemented. The Draft Technical report notes that this conclusion "is supported by the fact that several surface water bodies in the northern part of the San Diego Region, where agricultural land uses are most prevalent, are not meeting water quality objectives for several agriculture related pollutants and are on the 303(d) List" (Draft Technical Report, Appendix A, pg. A-16). The Technical Report also notes that "available water quality data collected since 2002 also indicates that groundwater quality underlying areas known to have agricultural operations is showing signs of degradation" (Draft Technical Report, Appendix A, pg. A-38).

It should be noted that the staff report makes a case for the difficulty in locating and regulating the operators of these types of operations given their large number within the region. Thus staff recommends that education and outreach be the primary focus of waiver conditions at this time for regulating these types of operations " (Draft Technical Report, Appendix A, pg. A-18).

Page 6
Board Members
August 7, 2007

Under the proposed Basin Plan amendment, the requirement to submit Waste Discharge Requirements (WDRs) and/or Reports of Waste Discharge (RoWD) is waived for animal,

agricultural, nursery and silvicultural operations. While the proposed Waiver Program includes as waiver conditions the implementation of Management Measures and Best Management Practices to minimize pollution from these types of discharges, the program does not provide for any mechanism to ensure the enforcement of these provisions. The requirement to file a Notice of Intent (NOI) to comply with waiver conditions is only applied to medium animal feeding operations (AFOs). Agricultural and nursery operations are given until December 31st of 2012 to submit a NOI. A more rigorous NOI submittal requirement may assist Board staff in identifying and locating the operators of these kinds of operations and carry out any outreach efforts.

In contrast, temporary recycled water projects (those in operation for a year or less) are required to submit NOIs. No grace period for NOI submittal is given to these projects under the Waiver Program as proposed. Permanent recycled water projects are required to submit Reports of Waste Discharge (RoWD) and technical and/or monitoring reports as directed by the San Diego Regional Water Board. The use of recycled water is regulated by the California Department of Public Health (formerly the Department of Health Services), the County of San Diego Department of Environmental Health, purveyors and local ordinances. While the City of San Diego Water Department supports and recognizes the role of the Regional Board in regulating recycled water as it pertains to water quality issues, the Waiver Program documentation does not provide any data or justification for the proposed regulatory framework of water recycling projects.

In light of the above, the City of San Diego respectfully requests that the Board directs staff to articulate why the use of recycled water is proposed to be regulated in a more onerous manner than other discharges which have been determined to potentially affect the beneficial uses of surface waters and groundwater resources.

(5) The proposed Waiver Program should be consistent with the recommendations of the State Water Resources Board in relation to the regulatory management of incidental runoff of recycled water as described in the memorandum addressed to Regional Board Executive Officers and dated February 24, 2004.

The 2004 memorandum (attached) applies to recycled water that has received tertiary filtration for pathogen removal as specified under Title 22. The memorandum states that in order to *"further the goal of maximizing the use of recycled water, the water quality laws should be interpreted in a manner that is consistent with the intent of the Legislature to promote recycled water use."*

In regard to incidental runoff associated with recycled water irrigation, the memorandum notes the following:

"Recycled water use facilities should be designed and operated to avoid runoff to waters of the State. The regional boards should work with recycled water users to help them achieve this goal. Nonetheless, incidental runoff is likely to occur at many facilities. Consequently,

Page 7
Board Members
August 7, 2007

regional boards should include the following language in water recycling requirements. The incidental discharge of recycled water to waters of the State is not a violation of these requirements if the incidental discharge does not unreasonably affect the beneficial uses of the water, and does not result in exceeding an applicable water quality objective in the receiving water."

The proposed Waiver Program states that as a waiver condition that "recycled wastewater can not be discharged directly or indirectly to any surface waters of the state." The City of San Diego Water Department is concerned that this waiver provision is in conflict with the recommendations of the State Board which recognizes that project that make use of recycled water must be designed and operated to avoid runoff to waters of the state, incidental runoff is likely to occur: *"In order to avoid nuisance problems, recycled water applied for irrigation is intended to remain on the irrigated areas. Nonetheless, while incidental runoff or over-spray of minor amounts of recycled water can be minimized, it cannot be completely prevented."*

While users of recycled water customers are required to employ Best Management Practices (BMPs), they may not be willing to assume the cost and the potential liability associated with ensuring that no incidental runoff will ever leave the permitted application areas.

It should be noted that the memorandum also notes that occasional runoff should not trigger the need for enforcement actions and routine discharges are properly regulated under municipal storm water NPDES permit in most cases. These permits require reduction of pollutants to the maximum extent practicable.

The City of San Diego Water Department respectfully requests that the Regional Board directs staff to review the proposed Waiver Program to ensure its consistency with the recommendations of the State Board.

(6) The proposed Waiver Program is complex and its documentation extensive (over 400 pages). The public review period should be extended to provide all stakeholders a reasonable time frame to accommodate a meaningful review of the proposed regulations.

The San Diego Water Department, as owner and operator of nine reservoirs within the region, has an obligation to protect water resources from the standpoint of source water protection. The Water Department, as a large retail and wholesaler of recycled water, also has an obligation to clearly understand the implications of the proposed Waiver Program on our recycled water program. Any regulatory program should be mindful of economic considerations and ensure regulatory practices do not render the use of recycled water undesirable for many parties.

The Waiver Program documentation is extensive, complex and over 400 pages long. The 30-day review period, while compliant with the provisions of the Water Code, is not sufficient to properly analyze the proposed regulatory program and its implications to affected water agencies, ratepayers and customers. The limited review period does not

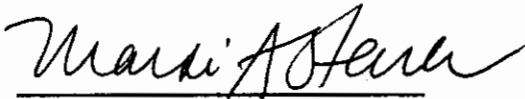
Page 8
Board Members
August 7, 2007

provide a reasonable amount of time in which regulators and those regulated can engage in meaningful discussions and attempt to properly address any concerns.

Given the complexity of the staff proposal, the current water situation in our region, and the fact that reclaimed water is a valuable and viable source of water for the future, the City of San Diego Water Department respectfully request that this item be continued for at least 90 days so that the RWQCB staff has an opportunity to fully engage all of the interested parties and stakeholders. It would be helpful if water agencies had a better understanding of the objectives and constraints of the Regional Board and it would be useful if the Board and its staff were to fully consider the objectives and constraints of water agencies and affected stakeholders.

The City of San Diego Water Department appreciates the opportunity to provide these comments and looks forward to working with the Regional Board and its staff to ensure that water resources are adequately protected and our region is able to reach our water reliability goals in a cost efficient manner. We believe that these goals are not in conflict with one another and can both be achieved. Thank your for your time and consideration.

Sincerely,



Marsi A. Steirer
Marsi A. Steirer, Deputy Director
Water Policy and Strategic Planning Division
City of San Diego Water Department

cc: John Robertus, Executive Officer – San Diego RWQCB
Wayne Chiu, San Diego RWQCB

Attachment: SWRCB Memorandum to Regional Board Executive Officers dated February 24, 2004. Subject: Incidental Runoff of Recycled Water



WATER REUSE ASSOCIATION

CALIFORNIA SECTION

August 7, 2007

CA Section Officers

President
Bill Jacoby
San Diego County Water
Authority
San Diego, CA

President Elect
Craig Lichty
Kennedy Jenks
San Francisco, CA

Secretary/Treasurer
Patricia Tennyson
Katz & Associates
San Diego, CA

Past-President
Paul Klein
RBF Consulting
Sacramento, CA

Board of Trustees
Harold Bailey
Kirk Bone
Dan Carlson
Kimberly Cox
Martha Davis
Keith Lewinger
Hoover Ng
Mary Grace Pawson
Ruben Robles
William T. Van Wagoner
Bob Whitley

Mr. John Robertus, Executive Officer
San Diego Regional Water Quality Control Board
917 Sky Park Court Suite 100
San Diego, CA 92123

RE: Testimony of Harold Bailey, California Section of Water Reuse Association

Dear Mr. Robertus,

The following is a copy of the oral testimony provided Dr. Harold Bailey, on behalf of the Water Reuse Association's California Section.

"Good morning Chair and Members of the Board. I am Harold Bailey and am speaking on behalf of the California Section of the Water Reuse Association. We are a non-profit organization that promotes responsible stewardship of the State's water resources by maximizing the safe, practical, and beneficial use of recycled water.

As you know, recycled water is a critical resource for the State's economy and water supply future. As identified by California's Recycled Water Task Force in 2003, regulatory inconsistency and overly burdensome requirements create needless barriers and delay in the permitting of water recycling projects. That is why we sincerely appreciate your attempts – those of your staff – to facilitate the permitting of water reuse. However, we have some concerns about the recycled water component of the draft Conditional Waivers of Waste Discharge Requirements in the tentative resolution.

As an initial matter, it would be premature to adopt a waiver for recycled water projects at this time. First, the State Water Board is set to release a

Recycling Water to Meet the World's Needs

National Office: 635 Slaters Lane, 3rd Floor, Alexandria, Virginia 22314 • 703-684-2409 • 703-548-3075 (fax)
CA Section Office: 915 L Street, Suite 1000 • Sacramento, California 95814 • 866 805-9241 • 916 442-0382 (fax)
www.watereuse.org

August 7, 2007
Mr. John Robertus

2

draft statewide policy later this month that is also designed to facilitate the permitting of recycled water projects. An informed regulatory mechanism adopted by this Board must involve the consideration of the statewide policy. Moreover, an informed regulatory mechanism must be the product of collaborative efforts that involve the recycled water community, producers, distributors, and users, including the golf course industry. It is only by consistent input from this community that the Board can develop a mechanism that reflects the reasoned consideration of the regulation's impacts on water reuse and alternatives.

In addition, as drafted, the tentative resolution would not further or streamline recycled water permitting. For example, the general waiver would prohibit the discharge of recycled water directly or indirectly into any surface waters of the state and any degradation of the underlying groundwater. We are concerned that this requirement would unnecessarily set rigid standards that cannot be attained by water users. The prohibitions ignore several important realities: First, best management practices can be used to protect water sources where rainwater runoff from irrigated areas is a concern; Second, any regulatory scheme used for irrigation water in general can adequately address minor amounts of recycled water that escape from an irrigation system, such as by overspray or as a result of a broken sprinkler head; and Third, runoff from impoundments can be covered by a local stormwater permit in some instances and by a general, low-threat BMP in a permit in other instances. This approach is commensurate with the limited risks, consistent with the State's goals to encourage water reuse, and already proven in practice -- for example, in Sacramento, Placer, Marin, and parts of Los Angeles Counties.

In sum, we urge the Board to delay adoption of the recycled water component of the draft Conditional Waivers and reconsider the proposed approach in light of the State Water Board's forthcoming Recycled Water Policy. Additional time is needed to allow for a more informed and collaborative process that results in a more workable solution for water recycling in the region."

Sincerely,



President, WaterReuse Association of California

Recycling Water to Meet the World's Needs

National Office: 635 Slaters Lane, 3rd Floor, Alexandria, Virginia 22314 • 703-684-2409 • 703-548-3075 (fax)
CA Section Office: 915 L Street, Suite 1000 • Sacramento, California 95814 • 916-442-2746 • 916 442-0382 (fax)
www.watereuse.org



WaterReuse Association - San Diego Chapter

* * * * *

August 7, 2007

San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA. 92123-4340

SUBJECT: Comments on Tentative Resolution R9-2007-0104

The San Diego Chapter of the WaterReuse Association would like to express our concerns regarding Tentative Resolution R9-2007-0104 (Resolution), specifically Conditional Waiver No. 7 – Discharges of Recycled Water to Land.

Use of recycled water provides substantial benefits to our region. This is especially true as our water supply is reaching critical conditions caused by below average snow packs, legal challenges ongoing related to the California aqueduct system, and local drought conditions. In addition to providing a safe and reliable water supply, we also agree that our region's water quality must be protected and maintained. For these reasons, we believe that new policy must be carefully reviewed and vetted prior to implementing requirements that may substantially impact any element of our water supply. The following are our specific concerns and comments:

Terminology – The term “recycled wastewater” should be changed to “recycled water” and “waste discharge” should be changed to “recycled water discharge.” The terminology currently used in the Resolution encourages a negative public perception that the WaterReuse Association has long been trying to correct. People typically associate water quality with where the water comes from. It is more appropriate to establish in the public mind that water quality is associated with the utility and its treatment processes. The process, not the source, determines the final water quality. In addition, it is misleading to call recycled water a waste discharge when it provides a critical water supply to our region.

Another specific terminology issue is related to the word “Operator” in Sections 7.11.A 1 and 7.11.B 1. This term is not defined in the Basin Plan glossary and can be interpreted as either the operator of the treatment facility or the operator of the recycled water use site. It is our belief that the intent of this resolution is to provide the utility purveyor of the recycled water an opportunity to obtain a waiver under appropriate conditions, for either a short term or long term project. Therefore, Operator needs to be defined as the treatment plant agency - not the user, unless of course they are one in the same.

Review time and process – The California Section of the WaterReuse Association would like to be added to your distribution list for all recycled water and desalination topics

August 7, 2007

Page 2 of 2

(contact information is below). The WateReuse Association is a non-profit organization made up of non-partisan stakeholders that evaluate recycled water and desalination issues. As the local chapter representatives, we were unaware of the Resolution until recently and have not had sufficient time to provide comments that would prove useful for the Board's consideration. We request the review period be extended a minimum of one month. Please add the following address to your distribution:

California Section of the WateReuse Association
915 L Street, Suite 1000
Sacramento, CA 95814

Thank you for your attention to this matter and we look forward to hearing how the Board will address these issues.

Cordially,

James Strayer, P.E.
President
WateReuse Association, San Diego Chapter
175 Calle Magdalena
Encinitas, CA 92024

C: Harold Bailey, WateReuse, CA Section Representative for San Diego County
Maria Mariscal, WateReuse, San Diego Chapter, President Elect



Helix Water District

Setting standards of excellence in public service

Item 7. Supporting Document 6.

7811 University Avenue
La Mesa, CA 91941-4927

(619) 466-0585

FAX (619) 466-1823

www.hwd.com

August 7, 2007

VIA EMAIL AND U.S. MAIL

DOCUMENT SCANNED

ON: ~~8/1/2007~~

BY: Steven J. Bourche

2007 AUG 10 P 1:25
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

Mr. John Robertus
Executive Officer
San Diego Regional Water Quality Control Board
9174 Sky Park Court
Suite 100
San Diego, CA 92123-4340

Attn: Mr. Wayne Chiu

Re: Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region

Dear Mr. Robertus:

Helix Water District is the second largest retail water agency in San Diego County serving drinking water to over 250,000 residents within the east county communities of El Cajon, La Mesa, Spring Valley, and Lemon Grove. We own Lake Jennings and Cuyamaca reservoir as well as storage rights within El Capitan Reservoir. All of these reservoirs are critical elements of our regional water supply. Helix has an outstanding record of environmental compliance, management of water resources and stewardship of our properties and groundwater basin. We are regulated by and work closely with the California Department of Public Health regarding source water assessments and drinking water quality that is well below the maximum contaminant levels established under the Safe Drinking Water Act and the State of California.

Helix wishes to comment on the San Diego Regional Water Quality Control Board's (Regional Board) draft technical report on the "Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region" (Basin Plan Amendment) and associated appendices. We ask the Board to consider our comments in three key areas relating to the Basin Plan Amendment: "low threat" discharges to land, discharges of recycled water to land, and consideration of allowing special waivers to be issued in the event of a drought.

"Low Threat" Discharges to Land

The proposed addition of a waiver for "low threat" discharges to land should be clarified to remove any implication that the Regional Board is seeking to regulate reasonable and beneficial use of potable water, and that ordinary use of potable water is not, in and

Elected Board of Directors:
Charles W. Muse
President

Richard K. Smith
Vice President
John B. Linden
DeAna R. Verbeke
Kathleen Coates Hedberg

Staff:
Mark S. Weston
General Manager

Donna Bartlett-May
Board Secretary

Legal Counsel:
Scott C. Smith

of itself, a discharge of waste. The proposal should clarify that the Regional Board's jurisdiction and concern extends solely to application of water in a manner or under such conditions that after beneficial use and where pollutants are added to the potable water, the water has the potential to reach a defined groundwater basin.

Discharges of Recycled Water to Land

Helix Water District (Helix) generally supports the proposed waivers for recycled water, but staff are greatly concerned that some of the general waiver conditions will inhibit recycled water use, thus reducing the potential for recycled water to augment the region's water supplies. These waiver conditions also set a precedent for potential discharge requirements.

The legislature has declared that the state should undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state. (California Water Code Section 13510.) The waiver conditions proposed in 7.1A.1. and 7.1.A.2, could significantly impede the use of recycled water in San Diego:

Proposed condition 7.1A.1 states, "Recycled water cannot be discharged directly or indirectly to any surface waters of the state (including ephemeral streams and vernal pools)." Although recycled water users can utilize best management practices to minimize runoff from use sites, they cannot guarantee that no water will indirectly discharge to waters of the state. This is particularly true for use sites, such as golf courses, where ephemeral streams may run through the site. In addition, it is not clear how the proposed wording would apply to the use of recycled water for water features and ponds. We are also concerned that the language qualifies the definition of waters of the state as including ephemeral streams or vernal pools. Because "waters of the state" is a term specifically defined in California Water Code Section 13050(c), alteration of that definition in the proposed Basin Plan Amendment by referencing ephemeral streams and vernal pools is not appropriate. Therefore, we recommend the following wording in condition 7.1A.1: "Recycled water cannot be discharged directly to any surface waters of the state. Best management practices shall be followed to minimize indirect discharges to waters of the state."

Proposed condition 7.1.A.2 states, "Recycled water discharged to land cannot degrade the quality of the underlying groundwater." This statement is overbroad. Compliance with this provision could require significant evaluation and monitoring, making recycled water projects cost prohibitive. In addition, this statement is inconsistent with Section 13523.5 of the California Water Code which states, "A Regional Board may not deny issuance of water reclamation requirements to a project which violates only a salinity standard in the basin plan." We recommend that this waiver condition be removed from the Basin Plan Amendment.

Helix supports the waiver concept to help streamline processing and to maximize use of the recycled water. The proposed Basin Plan Amendment includes two types of waivers for recycled water. The waiver for short-term projects could allow recycled water users significant flexibility where the use is for less than one year, by allowing the use to proceed without requiring a waste discharge permit. The waiver for long-term projects will allow the recycled use to go forward where the project proponent has filed the required application and reports with the Regional Board, and the proponent is waiting for the permit to be processed. This will reduce waiting time for the proponents to begin using recycled water.

Waivers Due to Drought Conditions

California is currently experiencing the driest year on record. In addition, there are substantial threats to the operation of the State Water Project because of conditions in the Bay-Delta. The San Diego County Water Authority has adopted a Drought Management Plan, and may be required to implement extraordinary measures to ensure adequate water supplies for the region. Similarly, the Water Authority's member agencies may be required to implement local water development programs within their respective territories. Therefore, Helix recommends that the Basin Plan Amendment include a provision that would allow the Regional Board to grant, in an expedited manner, discretionary waivers related to development of local supplies in response to drought conditions.

Future Planning to Meet Basin Plan Objectives

We understand the Regional Board's interest in addressing issues of poor water quality, particularly high levels of total dissolved solids (TDS) in local groundwater basins. We share the same concerns because high levels of TDS impede our ability to develop and use local groundwater and recycled water supplies. We do not believe that increased regulation of recycled water and imported water supplies is the answer. We are concerned that, in the quest for improving water quality, the Regional Board might consider requiring discharge permits of public water agencies that utilize storage in local groundwater basins and surface water reservoirs, crippling our ability to beneficially use our local and imported water supplies.

The San Diego County Water Authority, City of San Diego, and County of San Diego formed a Regional Water Management Group (RWMG) for the preparation of an Integrated Regional Water Management (IRWM) Plan for the San Diego Region. The Regional Board's Basin Plan is a cornerstone of the IRWM Plan. Participation in the IRWM Planning process has included a variety of stakeholders including water, wastewater, recycled water and storm water agencies, nongovernmental organizations, and environmental groups through public meetings and a Regional Advisory Committee (RAC). Helix serves as a representative on the RAC.

We would like to be able to utilize the IRWM planning process as a vehicle to address many of the issues that are of concern to the Regional Board and to better work with the Regional Board on development of basin plan objectives and cost effective solutions to meet those objectives.

As you can see, there are a number of issues relating to the proposed waiver criteria that remain unresolved. The Regional Board may want to consider extending the comment and discussion period up to 90 days to allow time for additional discussion with stakeholders.

Sincerely,



Mark S. Weston
General Manager

c: Helix Water District Board Members

11911 San Vicente Boulevard, Suite 350
Los Angeles, CA 90049
Telephone: (310) 500-4600
Fax: (310) 500-4602



Steven L. Hoch
(310) 500-4611
SHoch@HatchParent.com

August 7, 2007

Via Electronic Mail

Mr. Wayne Chiu
California Regional Water Quality Control Board, San Diego Region,
9174 Sky Park Court,
Suite 100,
San Diego, California 92123-4340.

Re: Tentative Resolution R9-2007-0104
Comments submitted on behalf of American Golf Corporation

Dear Mr. Chiu:

This office represents American Golf Corporation ("American Golf"). We offer these comments in reference to Tentative Resolution R9-2007-0104 (Tentative Resolution). American Golf is deeply concerned that the Tentative Resolution will have a significant adverse impact on its ability to continue to use recycled water on its courses. American Golf hopes and expects that the Regional Water Quality Control Board ("Regional Board") would be developing policies that encourage responsible use of recycled water, not taking positions that discourage and make more costly the use of this important water resource. We encourage the Regional Board to take further and more in depth time to consult with recycled water suppliers and their end users to assure that Regional Board policies make recycled water use more practical and cost effective.

American Golf manages more 11 golf courses in the San Diego region. American Golf is one of the largest recyclers in Southern California, and operates one of the golf industry's most extensive environmental programs aimed at reducing waste through recycling gas, oil and paper products, and protecting wildlife habitats by using organic pesticides and fertilizers whenever possible. American Golf's environmental excellence has earned it numerous awards by top golf magazines, the Golf Course Superintendents Association of America (GCSAA) and Audubon International, which has recognized many American Golf courses with Certification in its prestigious Audubon Cooperative Sanctuary Program.

Our reading of the Tentative Resolution, in particular Section 7.7, "Proposed Conditional Waiver No. 7 – Discharges of Recycled Water to Land" is that it states an absolute prohibition against the discharge of recycled water either directly or indirectly to any surface water of the state. This is a practical impossibility for most if not all recycled water users. Certainly, it places golf courses in an impossible position, particularly given that the concept of the prohibition of indirect discharge to "waters of the state" and "waters of the United States." As

Mr. Wayne Chiu
August 7, 2007
Page 2

you may know, the legal interpretation of these terms is in flux, given recent United States Supreme Court decisions.

Having committed to the use of recycled water in many facilities, American Golf would either have to abandon recycled water use or incur considerable additional expense to assure that none of the recycled water it uses, under almost any conceivable circumstance, will ever enter any water body. Indeed, this may be an impossible task, no matter what investment American Golf was willing to make to its facilities.

As an example, course managers will need to control irrigation overspray to assure that no irrigation runoff enters the storm drain system or a water of the state. For every irrigation pattern, American Golf would have to consider the question: Could its recycled water, by any means, enter such a water system? Irrigation ponds that hold recycled water would need to be covered or redesigned to avoid overtopping in rainstorms, so their runoff would be 100% captured and retained. Water retention basins would have to be lined, and continuously monitored for leaks, etc. To what environmental evil are these extraordinary measures intended to prevent? Responsible water use and conservation practices?

As a recycled water user, American Golf will also be required to prepare a Report of Waste Discharge (RWD) pursuant to California Water Code Section 13260. These reports are extremely detailed and costly. They require an analysis of the pollutant loads contained in the reclaimed water, their potential transport into surface water or ground water, and the potential impact on beneficial uses resulting from the transport of those pollutants prior to the commencement of any discharge. Much if not all of this information may be available from the recycled water provider. However, the proposed regulations do not make clear whether the recycled water provider reporting will be sufficient. It appears that there will be an additional reporting burden placed on the recycled water end users.

Further, as we read the Tentative Resolution, there does not appear to be any grace period for golf courses currently using recycled water to come into compliance. This may mean that courses will either: a) be forced to shut down all operations while making physical and operational changes to accommodate the dictates of the Tentative Resolution; or b) cease the use of recycled water immediately and switch to the use of potable water. Given the current (and ever-present) water shortages in Southern California, and existing contractual commitments with various water purveyors to use recycled water, neither of these alternatives is acceptable. Further, the Tentative Resolution would be an absolute disincentive to switch irrigation use to recycled water for those golf courses currently irrigating with potable sources.

In closing, we note two important legal provisions which we would hope the Regional Board will acknowledge in making modifications to these proposed regulations. First, the California Constitution, article X, section 2, mandates that the water supplies in the state be put to the maximum reasonable and beneficial use practical. This policy implications of these proposed regulations discourage, if not make it a financial impossibility, to make maximum responsible use of high quality recycled water. We would hope the Regional Board acknowledges that the California Department of Health mandates the minimum quality

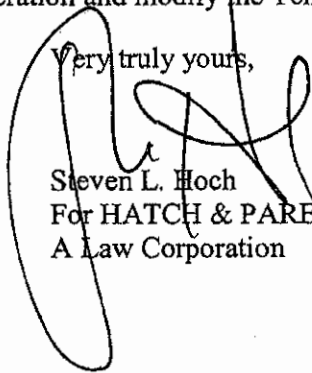
Mr. Wayne Chiu
August 7, 2007
Page 3

requirements for irrigation use of recycled water. These quality standards are intended to be protective of the environment in which the recycled water is used.

Water Code sections 13550 *et. seq.* provide that use of potable water on golf courses, cemeteries, highway landscape areas is a "waste of water within the meaning of California Constitution, article X, section 2. These sections go on to mandate the use of recycled water at these facilities, provided the water is of adequate quality and can be used at a "reasonable cost". If adopted as is, these regulations eviscerate these Water code provisions. Simply stated, there is no cost effective method of implementing a zero discharge standard, even if such a standard made sense.

We appreciate the opportunity to offer these comments and we trust that the Regional Board will take them into consideration and modify the Tentative Resolution

Very truly yours,



Steven L. Hoch
For HATCH & PARENT
A Law Corporation

cc: Mr. Mark Friedman
Mr. Robert Saperstein

10/13/07



Mr. Wayne Chiu
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

ValleyCrest Golf Course Maint.
Warner Springs Ranch GC
31652 Hwy 79 PO Box 10
Warner Springs, CA 92086
tel: 760. 782. 0551
fax: 760. 782. 0550

m Bailey@valleycrest.com

Resolution R9-2007-0104

Mr. Chiu,

I would like to comment on the tentative resolution R9-2007-0104 and the impact it will have on Golf Courses and Golf Course Operators. I took part in the recycled water regulation planning in the City of Las Vegas. The Southern Nevada Water Authority was in the process of passing regulations that governed all runoff and delivery of the water to golf course facilities. They did this with out talking to the Experts that Operate Courses, Experts in Agronomy, and the Golf Course Owners themselves. After we were able to have several round table planning sessions with the SNWA staff members, it became apparent that both sides needed to understand each others concerns in depth. In the end, we all worked together and came up with regulations that helped achieve a suitable resolution. It is not beneficial for the CRWQCB to institute new regulations that are likely to have a severe economic impact on golf courses throughout the State. Golf facilities are a very large source of revenue to communities and to the State. Golf facilities employ thousands of Californians throughout the State.

It is important to remember that State water rights law mandates the use of recycled water whenever available. Golf courses and the leaders in the golf industry have embraced the use of this water to help conserve our precious resource. Even with the effects it sometimes has on plants and turf grass.

The items in the tentative resolution could cause severe economic hardship to golf courses. These extreme cost increases could lead to jobs lost and facilities shutting down because they can not comply.



1. Absolute prohibition of recycled water discharge into any water of the State, directly or indirectly, could be impossible for existing facilities. This problem was overcome in the Southern Nevada planning by allowing water run off during rain events. Careless over filling of an irrigation lake was not acceptable.

2. Report of Waste Discharge Reports. This again could be extremely costly. Facilities would need to hire outside agencies to complete the costly analysis. Is there a grace period for golf courses already using recycled water? In Southern Nevada the recycled water plants monitor water quality including fecal coliform, nitrogen, TDS & many others. They submit this to the courses and to the State monthly. The courses then prepare a quarterly report with the information supplied. The end users do not control the content of the water being supplied. The courses track fertilizer use and report it quarterly as well.

3. Technical or Monitoring reports to be submitted can't be open ended. It is imperative to have a set standard for the items reported on. Again, end users are not responsible for the quality of water sent to them from the recycled water treatment plants.

4. Overspray from irrigation. It is a near impossibility to control 100% of drift water when applying water through irrigation sprinklers. The golf industry uses the most advanced irrigation delivery system and the best technology available to irrigate their facilities. It is impossible to control wind direction and wind speeds. There is no technology available that can do this either. I know from experience that when an existing golf course goes in and tries to make buffer zones between the sprinkler and the boundary lines, the cost is astronomical.

The economical impact that these resolutions could have on golf operators & owners could reach a point that it no longer is profitable to stay open. I implore the Board to get a much better understanding of the resolution R9-2007-0104 before instituting any further regulations. It would benefit all involved to further discuss and to further research these items before acting upon them.

Golf Course Superintendent's around the world are leaders in water management and the impacts their facilities have on the overall environment. As a group, we want to do the right thing. It would



benefit the State of California to listen to input from the people that deal with these operations on a daily basis.

Thank you very much for your consideration in this matter. It is my hope that we can work together to find a beneficial solution for all.

Sincerely,

Michael R. Bailey
Golf Course Superintendent, Class A
ValleyCrest Golf Course Maintenance Company
Certified Audubon Cooperative Sanctuary
Warner Springs Ranch Golf Club
Warner Springs, CA 92086

760-782-0551 (office)
760-782-0550 (fax)
760-217-9787 (mobile)
mbailey@valleycrest.com

From: <pat.shannon@sdcea.net>
To: <wchiu@waterboards.ca.gov>
Date: 8/8/2007 7:29:03 AM

MR CHIU... AS A GOLF COURSE OPERATOR/ SUPERINTENDENT WHO HAS BEEN MANDATED BY THE STATE TO UTILIZE RECYCLED IF AND WHEN ITS AVAILABLE I FIND THE TENTATIVE RESOLUTION R9-2007-0104 TO BE ANOTHER BUREAUCRATIC SNAFU TO TIE THE HANDS OF MEN AND WOMAN WHO ARE TRUE STEWARDS OF THE LAND.

RESPECTFULLY, PATRICK SHANNON CLASS A GCSAA..SAN VICENTE GOLF CLUB RAMONA CALIFORNIA



August 8, 2007

Via Facsimile & Mail

Mr. John Robertus
 Executive Officer
 California Regional Water Quality Control Board
 9174 Sky Park Court, Suite 100
 San Diego, California 92123-4340

RE: Comments on Proposed *Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge Within the San Diego Region*

Dear Mr. Robertus:

Padre Dam Municipal Water District, which provides water, wastewater, recycled water and recreation services for 97,000 East San Diego County residents, respectfully requests the California Regional Water Quality Control Board's consideration of our comments on two key areas of the proposed *Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge Within the San Diego Region*.

Key Area #1: Discharges of Recycled Water to Land

Padre Dam has been operating a recycling treatment plant since 1967, and in 1997, upgraded the plant to 2 MGD. The plant treats water to the tertiary level, producing recycled water that meets Title 22 standards and is considered safe for full body contact and accidental ingestion.

Approximately 1 MGD of our recycled water is distributed to 195 customers and used for irrigation and industrial uses. The remaining 1 MGD replenishes the seven lakes within the 190 acre Santee Lakes Recreation Preserve, which provides camping and water-based recreation, and hosted over 600,000 visitors in 2006.

For Padre Dam's water recycling program to be financially feasible, our plant must operate at full capacity year-round. During wet winter months, this produces a small amount of excess water that is discharged from Santee Lakes into Sycamore Creek and the San Diego River.

Padre Dam is required to monitor the health of the San Diego River upstream and downstream of our discharge point. Data collected over the last 25 years proves that the recycled water from Santee Lakes has no negative impact on the health of the river. Padre Dam's recycled water has always met or exceeded the requirements established in the San Diego River management plan.

To continue to produce recycled water, and offset 2,241 AF of demand for imported water per year, Padre Dam must be able to discharge recycled water into the San Diego River during wet winter months. However, the waiver conditions proposed in 7.1A.1 and 7.1A.2 of the *Basin Plan Amendment* could prohibit this.

Proposed condition 7.1A.1 states, "Recycled water cannot be discharged directly or indirectly to any surface waters of the state (including ephemeral streams and vernal pools)." Like any responsible recycled water user, such as a golf course or college campus, Padre Dam utilizes best management practices to minimize discharge from Santee Lakes. We request that condition 7.1A.1 be limited to, "Best management practices shall be followed to minimize indirect discharges to waters of the state."

BOARD OF DIRECTORS	9300 Fenito Parkw
James Moletic	Santee, CA 92071
Augie Scelzito	T 619 448 3111
Andrew J. Manshek	F 619 449 9469
August A. Cairns MPA, SDA	www.padredam.org
Dan McMillen MBA, MS	PO Box 719003
	Santee, CA 92072

Proposed condition 7.1.A.2 states, "Recycled water discharged to land cannot degrade the quality of the underlying groundwater." As stated above, Padre Dam's recycled water discharge has met or exceeded the requirements established in the San Diego River Management Plan for 25 years. However, compliance with this provision could require cost prohibitive monitoring, testing and evaluation. In addition, this statement is inconsistent with Section 13523.5 of the California Water Code which states "A Regional Board may not deny issuance of water reclamation requirements to a project which violates only a salinity standard in the basin plan." We recommend that this waiver condition be removed from the *Basin Plan Amendment*.

Key Area #2: Special Waivers for Local Water Supply Development During Drought or Other Critical Water Shortage Conditions

San Diego County is currently experiencing its driest year since 1801. The 2007 Sierras snowpack was 31% of normal, the Colorado River basin is in its eighth year of drought, and State Water Project deliveries are 60% of normal and further threatened by pending lawsuits.

As a member agency of the San Diego County Water Authority, Padre Dam may be required to implement local water development programs to ensure adequate water supplies throughout the current drought conditions. Further, a 2002 University of California, Santa Cruz study, now corroborated by other studies, predicts that climate change will result in continued drought conditions with a temperature increase and a 30% reduction in annual precipitation from British Columbia to Baja. For these reasons, Padre Dam is studying 4 MGD and 9 MGD expansions of our water recycling plant. Uses for the water include a multi-agency groundwater recharge and extraction project, and a regional blending project to provide a local, drought-proof water supply for San Diego County.

Padre Dam respectfully requests that the California Regional Water Quality Control Board extend the comment and discussion period on the *Basin Plan Amendment* to allow further discussion of water supply issues and the role of recycled water in solving them. If you have any questions of Padre Dam, please contact me at 619.448.3111.

Sincerely,



Douglas S. Wilson
General Manager



THE CITY OF SAN DIEGO

August 8, 2007

Wayne Chiu
San Diego Water Quality Control Board, Region 9
9174 Sky Park Court
San Diego, CA 92123

Dear Mr. Chiu:

Subject: Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region

The City of San Diego, General Services Department, Storm Water Pollution Prevention Division appreciates the opportunity to comment on the Regional Board's re-issuance of the Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region.

The City of San Diego believes that it is important that the Regional Board recognize the impact that these discharges could have on growth of bacteria in the storm drain system. These discharges also have the potential to cause or contribute to an impairment of a water body segment(s) that is included on the 303(d) list for an other pollutant.

The Regional Board is poised to adopt a bacteria TMDL that covers most watersheds in the region where these conditional waivers will also be granted. Discharges from the facilities with conditional waivers have the potential to create breeding habitat for bacteria in the storm drain system. These facilities could also cause or contribute to other water body segments beneficial use impairments for other pollutants on the 303(d) list.

In the TMDLs for Dissolved Metals in Chollas Creek and Bacti-1 (Beaches and Bays) for the majority of the City, the Regional Board has approved or is about to approve a 20-year timeline for compliance with 10-year interim milestones. Final and interim load reductions required by both TMDLs are extremely rigorous. It is unclear why the Regional Board would require so much more aggressive action by the City than it is requiring for the dischargers subjected to the proposed Waste Discharge Requirements. All dischargers, public and private, should be held to the same standards by the Regional Board.

Storm Water Pollution Prevention Program

1970 B Street, MS 27A • San Diego, CA 92102
Hotline (619) 235-1000 Fax (619) 525-8641




August 8, 2007
Wayne Chiu
Page 2 of 2

At a minimum, the City recommends that the conditional waivers have mandatory monitoring requirements for bacteria and any other 303(d) listed pollutant(s) within the watershed of the activity.

If you have any questions, please contact Ruth Kolb at (619) 525-8636 or at rkolb@sandiego.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "CZ" or "Chris Zirkle".

Chris Zirkle
Deputy Director

CZ/rk

cc: File
Ruth Kolb

From: Ronald Nolf <rnolf@att.net>
To: <wchiu@waterboards.ca.gov>
Date: 8/9/2007 6:31:03 AM
Subject: new law

I just got back from vacation and am reading my emails, so I now realize that this matter had a deadline of Aug. 8 and my comments are probably (after the fact). However, this bill is the most ridiculous thing I have ever heard of. Throughout my entire career of 40 years or so, one of the main concerns for my colleagues and myself have been to protect the environment. Now someone who does not, it seems, understand the quality of today's reclaimed water is trying so hard to come up with something to justify his, or her job that they came up with this bill. I hope more intelligence prevailed and this bill was not put into effect.

Sincerely,

Ron Nolf
Golf Course Supt.

Ronald Nolf
Golf Course Superintendent
Vista Valley Country Club
29354 Vista Valley Drive
Vista, CA 92084

760-758-2848 (Direct Line)
760-758-0102 (Fax)

From: Bill O'Brien <bobrien@sunroadenterprises.com>
To: 'Wayne Chiu' <wchiu@waterboards.ca.gov>
Date: 8/9/2007 3:13:19 PM
Subject: RE: Maderas Golf Club -- TR9-2007-0104

Mr. Chiu:

This is great to hear. I look forward to receiving responses to the comments shared yesterday. I also look forward to working with your staff on a go forward basis as a stakeholder.

Additionally, I appreciate that clarifying language will be added to the resolution.

I am not sure however, that doing so will remove the resolution provisions that will discourage, if not make it impossible, to introduce recycled water into a golf club that currently does not use recycled water. For example, no recycled water and/or treatment plant currently services the north county/Poway area, so if I understand it correctly, no master reclamation permit would be issued. That said, if I want to use recycled water in the future I will have to either build my own plant and/or create/build a reclamation system of some sort. As this point, the provisions of the TR would make it nearly impossible to comply with the costs to separate water types and report the readings.

Is my thinking correct relative to how the TR applies to new recycled water opportunities versus current recycled water managed under a master reclamation permit issued by a recycle agency?

Thanks for any clarification you may offer.

Bill

-----Original Message-----

From: Wayne Chiu [mailto:wchiu@waterboards.ca.gov]
Sent: Thursday, August 09, 2007 10:30 AM
To: Bill O'Brien
Cc: Brian Kelley; Julie Chan; Lori Costa
Subject: Re: Maderas Golf Club -- TR9-2007-0104

Hi Bill,

We will be revising and adding clarifying language to the tentative resolution and try to bring it before the Board for adoption during the September meeting. However, we will prepare some written responses to your comments and will organize a meeting with the recycled water stakeholders in the next couple of weeks to make sure we've done what we can to address your concerns.

Master Reclamation Permits are issued by the Regional Water Board to the recycled water agency. If you contact your recycled water supplier, I'm sure they can give you a copy of their Master Reclamation Permit.

We will be contacting your in the near future to let you know when the meeting with the recycled water stakeholders will take place.

Thank you for your continued interest,
Wayne

>>> Bill O'Brien <bobrien@sunroadenterprises.com> 8/9/2007 10:20 AM >>>
Lori,

I was able to attend only a portion of yesterday's board meeting (9:00 a.m. to 1:00 p.m.) but wanted to

follow up to see what, if anything, was the resolution after the board heard public comments from the golf sector. Are you able to shed some light on whether or not tentative resolution R9-2007-0104 will be voted on in September? Or will there be clarifying language add to the resolution?

Lastly, which agency issues master reclamation permits?

Truly,

bill o'brien, general manager
maderas golf club
17750 old coach road, poway, ca 92064
tel 858.217.2551 fax 619.374.2207

a tradition of excellence continues at maderas golf club * an inspiring new setting for events of all occasions *
7000 square foot del lago ballroom and gardens * we welcome you to experience the unforgettable

CC: Brian Kelley <BKelley@waterboards.ca.gov>, Julie Chan <JChan@waterboards.ca.gov>, Lori Costa <LCosta@waterboards.ca.gov>

From: "Lisa Wood" <LFWood@sandiego.gov>
To: <wchiu@waterboards.ca.gov>
Date: 8/13/2007 9:50:18 AM
Subject: August 8 hearing

I attended the hearing on August 8 and listened to the discussion of item 6 on waivers. I heard the water districts asking you to relax regulation of reclaimed water discharges.

I am one of many water users who is glad that you do regulate such discharges.
Please keep doing the excellent work you do to ensure the quality of state waters.

Thank you.
Lisa

DUDEK

MAIN OFFICE
405 THIRD STREET
ENCINITAS, CALIFORNIA 92024
T 760.942.5147 F 800.450.1818 F 760.632.0164

FRANK DUDEK RECEIVED
SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD
2007 AUG 15 P 12:52

August 15, 2007

Ms. Susan Ritschel
Chair
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

SUBJECT: Conditions of Waiver for Discharges of Recycled Water

Dear Ms. Ritschel,

For over 27 years, Dudek has been directly involved with many of the region's major recycled water projects. To be successful, regulations governing these projects must be reasonable, clearly understood, and implementable.

We applaud the Regional Board's plan to hold further meetings to hear input from recycled water stakeholders regarding this resolution. We hope that the meeting will lead to a final document that is concise, clear, and free of conflicting and confusing elements that are often subject to ambiguous interpretation and litigation.

California is expected to experience a net gain of 25 million people by mid-century. Recycled water will be an essential element of the state's integrated water resources planning. The regulations that govern orderly development and use of recycled water must be reasonable, financially feasible, and unequivocally implementable.

Sincerely,



Frank Dudek
President
Dudek

Cc: Mr. John Robertus
Executive Officer
San Diego Regional Water Quality Control Board

From: "McCandless, George" <George.McCandless@sdcounty.ca.gov>
To: "Dan Johnson" <djohnson@scsengineers.com>, "Douglas Roff" <douglas.roff@earthtech.com>, "Gary McCue" <gmccue@trcsolutions.com>, "Julie Marshall" <jmarshall@rinconconsultants.com>, "Nathan Starr" <Nathan.Starr@amec.com>, "Robert G. Russell" <rjr@procopio.com>, "Thomas Mills" <tmills@gradient-eng.com>, "Thomas Mulder" <tmulder@tnainc.com>, "Linda Beresford" <lindab@envirolawyer.com>, "Stephan Beck" <sbeck@ninyoandmoore.com>, <wchiu@waterboards.ca.gov>
Date: 8/21/2007 2:06:10 PM
Subject: Draft Conditional Waivers of Waste Discharge Requirements "Soil Reuse"

Following the presentation to DEH staff we have three comments regarding the Draft Conditional Waivers of Waste Discharge Requirements for the Discharge/Reuse of Inert Soils and Materials from Contaminated Sites all waste soils characterized.

Here are our comments:

1. Throughout the document it refers to contamination associated with "unauthorized releases". Since the term "unauthorized releases" in statute is a release from an Underground Storage Tank this term may not be applicable to the types of releases or impacts that the policy was originally designed for. We recommend using the term "release" instead.
2. The document does not go into enforcement of the Conditional Waivers of Waste Discharge Requirements when they are not followed. On a site that DEH has directed the RP to follow the process and they do not, it is our assumption that the RWQCB will be the agency that will do the follow-up enforcement.
3. It is unclear, within the Document, if the Waiver of Waste Discharge using Tier 1 values and/or Tier 2 values will require each application to be re-evaluated every 5 years. Or if it is only the Conditional Waivers of Waste Discharge Requirement that are re-evaluated every 5 years.

Based on the presentation we believe the 5-year re-evaluated would only be for the Conditional Waivers of Waste Discharge Requirement.

Thanks, George

George McCandless, Supervising Environmental Health Specialist
Site Assessment and Mitigation Program
Land and Water Quality Division
San Diego County, Department of Environmental Health
Phone 619-338-2259 Fax 619-338-2315

CC: "Apecechea, Laurie" <Laurie.Apecechea@sdcounty.ca.gov>, "Clay, James" <James.Clay@sdcounty.ca.gov>, "Fowler, Darryl" <Darryl.Fowler@sdcounty.ca.gov>, "Heaton, Kevin" <Kevin.Heaton@sdcounty.ca.gov>, "McCandless, George" <George.McCandless@sdcounty.ca.gov>, "Sawyer, Tony" <Tony.Sawyer@sdcounty.ca.gov>, "Sionit, Nasser" <Nasser.Sionit@sdcounty.ca.gov>, "Verneti, Mike" <Mike.Verneti@sdcounty.ca.gov>

From: "Steven L Hoch" <SHoch@HatchParent.com>
To: "Victor Vasquez" <VVasquez@waterboards.ca.gov>
Date: 8/27/2007 2:42:00 PM
Subject: RE: General Waivers - Recycled Water to Land

Thank you as to the issue re 7.II.B.

As to your planned language for the entire section 7, I am still struggling with your language. Not "being eligible" strikes me as having some of the same problems as without that addition. The fact that a golf course may not be eligible for the waiver, is substantively different from what we discussed as the section having no application to an end user subject to a MRP. Your language, again I am afraid, does not give us the same comfort as it merely being not applicable.

At this time we prefer the following:

CONDITIONAL WAIVER NO. 7 - DISCHARGES OF RECYCLED WATER TO LAND

Conditional Waiver No. 7 regulates discharges of recycled water. It applies only to waiver applicants and does not apply to projects and users subject to rules and regulations established by master water reclamation permit holders, as required by Water Code §13523.1, or otherwise regulated under a waste discharge permit. Conditional Waiver No. 7 can be utilized by the San Diego Water Board to regulate the following types of discharge.....

-----Original Message-----

From: Victor Vasquez [mailto:VVasquez@waterboards.ca.gov]
Sent: Monday, August 27, 2007 2:32 PM
To: Steven L Hoch
Cc: Brian Kelley; Julie Chan; Wayne Chiu
Subject: Re: General Waivers - Recycled Water to Land

Hello Mr. Hoch,

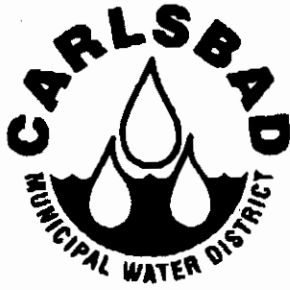
As I mentioned to you last week, prior to my discussion with you, Regional Board staff already decided that the term "operator" used in 7.II.B should be replaced by the term "Recycled Water Agency" as defined in Title 22 Section 60301.700.

"Recycled water Agency" is the agency that delivers or proposes to deliver recycled water to a facility. The use of the term "Recycled water agency" in the proposed waiver would therefore limit the ability to use the proposed waiver for permanent projects to those agencies that are able to deliver recycled water, and would therefore exclude a use site, on its own, from claiming coverage under the waiver. A use site that will receive recycled water from a recycled water agency would therefore also not be required to submit the Report of Waste Discharge or technical/monitoring program reports indicated in 7.II.B.

With regard to exclusions from the waiver, we are most likely going to add the following sentence after the first sentence of the waiver: "Recycled water discharges authorized and regulated under WDRs, water reclamation requirements (WRRs), and/or master reclamation permit (MRP) are not eligible for a conditional waiver".

Please contact me if I can assist further.

Victor R. Vasquez
Water Resource Control Engineer
Regional Water Quality Control Board
San Diego, CA
Tel.: (858) 636-3155
FAX: (858) 571-6972



Carlsbad Municipal Water District

5950 El Camino Real, Carlsbad, CA 92008-8893

Engineering: (760) 438-3367

Administration: (760) 438-2722

FAX: (760) 431-1601

August 28, 2007

California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4353

Attention: John H. Robertus, Executive Officer

Re: Comments on the Proposed Basin Plan Amendment to Renew and Issue
Revised Conditional Waivers of Waste Discharge Requirements for
Specific Types of Discharge within the San Diego Region

Dear Mr. Robertus:

Based on CMWD's interpretation of the proposed action, CMWD understands that the permanent uses of recycled water within our service area should not be impacted.

CMWD has made substantial capital investments in its recycled water system and is one of the larger purveyors of recycled water in San Diego County. CMWD currently utilizes up to 7 MGD through 357 meters that irrigate approximately 1300 acres including 4 golf courses. Partial capital costs alone to achieve this have been over \$50M.

We are extremely concerned about any regulatory changes that would discourage recycled water use. Portions of Conditional Waiver No. 7 Discharges of Recycled Water to Land are of particular concern.

Waiver Condition 7.II.A – Specific Waiver Conditions for Short-term Recycled Water Projects would cover construction use of recycled water almost exclusively. We have concerns about the specifics of the filing of the Notice of Intent.

- ◆ What would the time line be to complete all aspects and receive approval to use recycled water?
- ◆ Are there costs involved to either the user or the recycled agency?



- ◆ The construction company has a SWPP in place to address run-off concerns. Could this be considered adequate to address this issue?

With this level of investment and a continued commitment to preservation of our regions limited water resources, CMWD is committed to ensuring a secure water supply for its community through responsible water management, water reclamation, and conservation.

As a stakeholder in this issue, CMWD would welcome the opportunity to participate in any forum that would allow for a collaborative process that results in a more workable solution for water recycling in the region.

If you have any questions or need any additional information, please feel free to contact this office.

Sincerely,



Mark Stone
General Manager

MS:sp

Item 7. Supporting Document 6.

From: Victor Vasquez
To: Brian Kelley; Chan, Julie; Chiu, Wayne; Valdovinos, Melissa
Date: 8/29/2007 1:52:32 PM
Subject: Fwd: General Waivers - Recycled Water to Land

Here is Mr. Hoch's proposed language. I don't agree with the statement that "recycled water use at 100% of reference evapotranspiration will not degrade water quality." What about the salts and nitrogen left by the evaporated water which will then redissolve and perk in when it rains? It's too much of a blanket statement. And why do we need to make this statement when the waiver doesn't apply to his clients.

-Victor

>>> "Steven L Hoch" <SHoch@HatchParent.com> 8/29/2007 1:43 PM >>>
Victor

The various golf industry members and the recycled water suppliers have discussed language we would both be comfortable with in regards to Section 7 of the General Waivers - Recycled Water to Land. Our joint proposal is attached.

When you and I discussed this issue last week, you did assure me that it was the intent of the RWQCB that Section 7 not apply to those operating under a Master Reclamation Permit. In fact, we discussed just where the language excluding this would go.

At the last Board hearing it was clearly stated by the Board members themselves that such an exclusion needed to be clear and unambiguous. We believe our proposed change accomplishes what the Board itself wanted. Unfortunately, we believe that the proposed language you forwarded to me on 8/27/08 does not accomplish this and does not deal with the issues we have raised and leads to more ambiguity and uncertainty.

We strongly urge you review our proposal and consider that the language change we are offering will permit others not subject to a Master Reclamation Permit, a WRD or Water Reclamation Requirements to employ the General Waiver as necessary and will certainly accomplish the Board's overall purpose of protecting water resources. Acceptance of our compromise language will certainly prevent delay in the adoption of the General Waivers, will avoid time consuming and costly challenges and will meet the expectations of the Board as expressed by them in the last hearing.

<<LA-#13304-v2-Proposed_Language_Changes_by_Suppliers.DOC>>

Steven L. Hoch
Attorney At Law
Hatch & Parent, A Law Corporation
11911 San Vicente Boulevard, Suite 350
Los Angeles, CA 90049

310.500.4611 Office (Direct)
310.500.4602 Facsimile
310.500.4610 Ivy Capili (Assistant)

Web Site: www.hatchparent.com

CONDITIONAL WAIVER NO. 7 – DISCHARGES OF RECYCLED WATER TO LAND

Conditional Waiver No. 7 regulates discharges of recycled water. It applies only to waiver applicants and does not apply to projects and users subject to rules and regulations established by master water reclamation permit holders, as required by Water Code §13523.1, or otherwise regulated under waste discharge requirements or water reclamation requirements per Water Code Section 13260 et. seq. and 13520 et. seq. respectively. Conditional Waiver No. 7 can be utilized by the san Diego Water Board to regulate the following types of discharge:

Deleted: waste

- Discharges from short-term recycled water projects
- Discharges from permanent recycled water projects

Deleted: waste

Deleted: (

Deleted: waste

Waiver conditions applicable to the types of discharge that can be regulated by Conditional Waiver No. 7 include the following:

- 7.I.A. General Waiver Conditions for Recycled Water Projects
- 7.II.A. Specific Waiver Conditions for Short-term Recycled Water Projects
- 7.II.B. Specific Waiver Conditions for Permanent Recycled Water Projects

Deleted: Wastew

The waiver conditions that dischargers must comply with in order to be eligible for regulation by Conditional Waiver No. 7 are as follows:

7.I.A. General Waiver Conditions for Recycled Water Projects

1. Recycled water cannot be discharged directly to any surface waters of the state. Best management practices shall be followed to minimize indirect discharges to waters of the State.
2. Recycled water discharged to land must not significantly degrade the quality of underlying groundwater. Beneficial use of recycled water for irrigation at no more than 100 percent of reference evapotranspiration will not degrade the groundwater.¹
3. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
4. The use of recycled water must comply with the requirements of California Code of Regulations Title 22 section 60310(a) through (i), unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality and human health.
5. Recycled water cannot be used for groundwater recharge unless sufficient information is provided to demonstrate that it will be protective of water quality and human health.

Deleted: Wastew

Deleted: waste

Deleted: or indirectly

Deleted: .

Deleted: (including ephemeral streams and vernal pools).

Deleted: Excepts for impacts groundwater relating to total dissolved solids, r

Deleted: R

Deleted: waste

Deleted: ¶

Deleted: This condition does not apply to impacts associated with total dissolved solids.

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Deleted: wastewater

Formatted: Bullets and Numbering

Deleted: waste

7.II.A. Specific Waiver Conditions for Short-term Recycled Water Projects

1. Operator must file a Notice of Intent containing information about the operator, location, planned period of and frequency of discharge, and measures that will be taken to eliminate or minimize the discharge of pollutants that might affect surface water and groundwater quality. The Notice of Intent must include written notification from the local health department and/or DHS that the project will comply with

¹ At 100 percent of the reference evapotranspiration, the plants will take up all of the water and none of it will reach the groundwater.

Item 7. Supporting Document 6.

recycled water regulations in California Code of Regulations Title 22, Division 4, Chapter 3, Articles 1 through 10.

2. Sufficient information demonstrating compliance with waiver conditions must be submitted before the discharge may begin. The Notice of Intent is valid for 365 days, or 1 year.

3. A new Notice of Intent must be filed with the San Diego Water Board if the short-term project exceeds 1 year. A new Notice of Intent must be received by the San Diego Water Board at least 60 days prior to the expiration of the previous Notice of Intent. If no new Notice of Intent is received 60 days prior to the expiration of the previous Notice of Intent, the short-term recycled water project must cease operation 365 days, or 1 year, after the beginning of the operation.

Deleted: wastewater

7.II.B. Specific Waiver Conditions for Permanent Recycled Water Projects

1. Operator must file a RoWD containing enough information for the San Diego Water Board to determine that the project will comply with applicable recycled water regulations. The RoWD must include written notification from the local health department and/or DHS that the project will comply with recycled water regulations in California Code of Regulations Title 22, Division 4, Chapter 3, Articles 1 through 10.
2. Sufficient information demonstrating compliance with waiver conditions must be submitted before the discharge may begin.
3. The conditional waiver of WDRs for the permanent recycled water project will remain in effect until the San Diego Water Board can adopt permanent WDRs for the project. The San Diego Water Board will adopt WDRs at the earliest possible opportunity, and in accordance with San Diego Water Board priorities.
4. The operator must submit technical and/or monitoring program reports as directed by the San Diego Water Board, until permanent WDRs are issued.

Deleted: wastewater



County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
LAND AND WATER QUALITY DIVISION
5201 RUFFIN ROAD, SUITE C, SAN DIEGO, CA 92123
858-495-5572/FAX 858-694-3670/1-800-253-9933
www.sdcounty.ca.gov/deh/lwg

JACK MILLER
ASSISTANT DIRECTOR

Julie Chan P.G.
Chief, Water Quality Standards Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

Dear Ms. Chan:

This letter is a draft summary of the discussion between the Regional Water Quality Control Board, Region 9 (RWQCB) and the County of San Diego, Department of Environmental Health (DEH), Land and Water Quality Division staff at the meeting on September 4, 2007, in the offices of the RWQCB for the purpose of clarifying the terms and interpretation of the Proposed Waivers to Waste Discharge Requirements (WDRs) that is being prepared by RWQCB staff. Attendees from the RWQCB staff were: Julie Chan P.G., Chief, Water Quality Standards Unit, John Odermatt, P.G., Senior Engineering Geologist, Brian Kelley, P.E., Senior Water Resource Control Engineer and Wayne Chiu, P.E., Water Resource Control Engineer. Attendees from the DEH staff were: Mark McPherson, Chief, Land and Water Quality Division, Ron Coss, Program Coordinator, Kevin Heaton, Senior Hydrogeologist, Tom Lambert, Supervising Environmental Health Specialist and Llew Munter, Supervising Environmental Health Specialist.

Discussion of the Proposed Conditional Waiver Number 1 – Discharges from Onsite Disposal Systems, dominated the discussion and the following points summarize those discussions:

Specific to the General Waiver Conditions for Onsite Wastewater Systems 1.I.A (the number and provision from the RWQCB Tentative Resolution has been included for ease of reference preceding each DEH comment):

1. Effluent from onsite disposal systems cannot be discharged directly or indirectly to any surface waters of the State (including ephemeral streams and vernal pools).

Comment: The definition of effluent discharged to surface water of the State, was agreed to be seepage or flows that are recognizable as sewage originating from an onsite wastewater system.

3. Effluent from on-site disposal systems must not degrade the quality of underlying groundwater.

Comment: DEH currently has regulations and procedures in place to evaluate onsite wastewater systems with respect to groundwater impacts. We will continue to follow these procedures with guidance from the RWQCB to only allow onsite wastewater systems that are protective of groundwater and will not adversely affect the groundwater basin. It is recommended that this condition be changed to say "All proposed onsite disposal systems shall be evaluated by DEH with guidance from the RWQCB to only allow onsite disposal

systems that are protective of groundwater and will not adversely affect the groundwater basin.”

5. Effluent from onsite disposal systems must be discharged at least 5 feet above highest known historical groundwater level.

Comment: Add “or anticipated” after historical, to facilitate interpretations in areas where historical data on groundwater levels are insufficient to make a reasonable determination.

Specific to the Specific Waiver Conditions for onsite Septic and Sewerage Systems 1.II.A:

1. For existing on-site septic or sewerage systems, the following conditions apply:

- a) Existing onsite septic or sewerage systems serving campgrounds must not allow connections from recreational vehicles.

Comment: Consider striking this condition as it would be onerous to implement at existing campgrounds where discharges from RVs are currently allowed and change to prohibit the expansion of RV connections at existing campgrounds.

2. For new onsite septic or sewerage systems, the following conditions apply:

- a) New onsite septic or sewerage systems installed at campgrounds must not allow connections from recreational vehicles.

Comment: Allowance of new campgrounds with RV connections must first obtain a Waste Discharge Permit from the RWQCB.

- c) New onsite septic or sewerage systems cannot be constructed and effluent from new onsite septic or sewerage systems cannot be discharged in areas where groundwater water quality objectives have been exceeded.

Comment: In areas where groundwater quality objectives are currently exceeded and septic system discharge may improve water quality, individual projects should be approved if future beneficial uses of the basin are not degraded or adversely impacted. DEH currently has regulations and procedures in place to evaluate onsite wastewater systems with respect to groundwater impacts. We will continue to follow these procedures with guidance from the RWQCB to only allow onsite wastewater systems that are protective of groundwater and will not adversely affect the groundwater basin.

- d) New onsite septic or sewerage systems must not be constructed within areas designated as Zone A, as defined by the California Department of Health Services' (DHS's) *Drinking Water Source Assessment and Protection Program*.

Comment: Zone A, as defined by the Drinking Water Source Assessment and Protection Program, would impose minimum 600 to 900 foot and in most cases much greater set-backs from water system supply wells. Since Zone A designations only pertain to areas where a current water system exists this would likely result in an onerous restriction in many areas of the County. It is suggested that known water systems be notified when an application for a septic system is evaluated by DEH within a delineated Zone A. However, current State approved set-backs should remain in effect as a minimum and DEH will place a greater emphasis on notification to all existing water suppliers and comments submitted prior to a septic system approval within a designated Zone A area.

Discussion of the Proposed Conditional Waiver Number 7 – Discharges of Recycled Water to Land:

Specific to the Waiver Conditions for Short-term Recycled Water Projects 7.II.A:

1. Operator must file a Notice of Intent containing information about the operator, location, planned period of and frequency of discharge, and measures that will be taken to eliminate or minimize the discharge of pollutants that might affect surface water and groundwater quality. The Notice of Intent must include written notification from the local health department and/or DHS that the project will comply with recycled water regulations in California Code of Regulations Title 22, Division 4, Chapter 3, Articles 1 through 10.

Comment: DEH requests that DEH not be the provider of letters of compliance to the RWQCB for short-term Recycled Water Projects. DEH will continue to provide outreach and education on the approved uses and procedures for short-term recycled water uses as outlined in the County of San Diego's current Recycled Water Plan Check and Inspection Manual.

These comments are intended for your review and consideration. If you have any questions or wish additional information, please contact Mark McPherson at 858-495-5572 or mark.mcperson@sdcounty.ca.gov.

Sincerely,

MARK MCPHERSON, Chief,
Land and Water Quality Division
Department of Environmental Health

MM:RC:cc